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DEPOSITION OF JOSHUA BECHERER
TAKEN ON BEHALF OF THE PLAINTIFF
FEBRUARY 28, 2019

FEBRUARY 28, 2019

Exhibit W

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5	JOSHUA BECHERER	
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11 DEPOSITION OF WITNESS, JOSHUA
12 BECHERER, produced, sworn and examined on the 28th
13 day of February, 2019, between the hours of eight
14 o'clock in the forenoon and six o'clock in the
15 afternoon of that day, at the City of St. Louis Law
16 Department, Room 314, City Hall, St. Louis,
17 Missouri, before Tara Schwake, a Registered
18 Professional Reporter, Certified Realtime Reporter,
19 Certified Shorthand Reporter (IL), Certified Court
20 Reporter (MO), and Notary Public within and for the
21 State of Missouri.

1 APPEARANCES

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1 IT IS HEREBY STIPULATED AND AGREED by
2 and between Counsel for Plaintiff and Counsel for
3 Defendant that this deposition may be taken by Tara
4 Schwake, Notary Public and Certified Realtime
5 Reporter, thereafter transcribed into typewriting,
6 with the signature of the witness being expressly
7 waived.

8 JOSHUA BECHERER,
9 of lawful age, having been produced, sworn, and
10 examined on the part of Plaintiff, testified as
11 follows:

12 * * * * *

13 (Deposition commenced at 9:36 a.m.)

14 EXAMINATION

15 QUESTIONS BY MS. STEFFAN:

16 **Q Good morning, sir. I have introduced**
17 **myself earlier, but my name is Jessie Steffan and**
18 **I'm one of the plaintiff's attorneys in the case of**
19 **Ahmad versus the City of St. Louis which is the**
20 **case you're being deposed for today.**

21 A Okay.

22 **Q If you could please give your full**
23 **name for the record?**

24 A Joshua Daniel Becherer.

25 **Q B-e-c-h-e-r-e-r?**

1 A Yes, ma'am.

2 Q You have testified in court before?

3 A Yes, ma'am, I have.

4 Q And have you been deposed before?

5 A Yes, ma'am.

6 Q When is the last time you were
7 deposed?

8 A I don't know exactly. More than a
9 year.

10 Q Okay. Then I'm going to go over just
11 a few quick ground rules so that we share an
12 understanding of how the deposition will go.

13 A Okay.

14 Q I'd ask you to try to respond
15 verbally rather than shaking your head or saying
16 "mm-hmm" or "unh-uh" so that the court reporter can
17 take a record.

18 A Yes, ma'am.

19 Q If you don't understand a question
20 that I'm asking, please say so. If you go ahead
21 and answer, I will presume that you understood what
22 I asked.

23 A Okay.

24 Q We can take a break at any time
25 unless there is a question hanging out in the air

1 that needs to be answered. In that situation, I'd
2 ask that you answer the question and then we can go
3 on break.

4 A Okay.

5 Q I'm going to try not to talk over you
6 while you're responding; if you would please try
7 not to talk over me while I'm asking questions.

8 A Okay.

9 Q Have you taken any medication or
10 drugs that could affect your ability to testify
11 truthfully today?

12 A No, ma'am.

13 Q And do you have any health conditions
14 that affect your ability to remember or testify
15 truthfully?

16 A No, ma'am.

17 Q You are a former SWAT officer for the
18 St. Louis Metropolitan Police Department; is that
19 correct?

20 A Yes.

21 Q Your DSM was 7667?

22 A Yes, ma'am.

23 Q Did you have a call sign?

24 A I did, it was 7120.

25 Q You started working at the police

1 **department in August of 2007; is that right?**

2 A Yes, ma'am.

3 Q **When did you join the SWAT?**

4 A In 2011, in either May or June.

5 Q **Before that you were a detective?**

6 A Yes, ma'am.

7 Q **That's otherwise known as**

8 **intelligence?**

9 A I was in the special operations unit.

10 The intelligence unit is a separate unit.

11 Q **Got it. What did you do in the**
12 **special operations unit, just very briefly?**

13 A I was a narcotics detective.

14 Q **You have since left the police**
15 **department; is that right?**

16 A Yes, ma'am, I have.

17 Q **Were you terminated?**

18 A I was not.

19 Q **Did you quit?**

20 A Yes.

21 Q **When was your last day?**

22 A February -- I think it was officially

23 February 28th of last year.

24 Q **2018?**

25 A Yes.

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1 Q Why did you quit?

2 A Personal reasons.

3 Q Related to your employment or not
4 related to your employment?

5 A Both.

6 Q What were the reasons related to your
7 employment?

8 A I guess I don't understand your
9 question.

10 Q There was something about your
11 employment that prompted you to quit; is that
12 right?

13 A No. No, there wasn't actually
14 anything negative about my employment that prompted
15 me to quit.

16 Q Okay. So you quit for reasons
17 unrelated to the conditions of your work; is that
18 right?

19 A That's correct, yes.

20 Q Okay. Other than speaking with
21 counsel for the city which I'm not going to ask you
22 about, did you do anything to prepare for today's
23 deposition?

24 A I did not.

25 Q Have you ever been sued?

1 A As a policeman, yes.

2 Q **When have you been sued as a police**
3 **officer?**

4 A I was sued as a part of the lawsuits
5 from the original Ferguson protests.

6 Q **Other than that occasion, have you**
7 **been sued in your capacity as police officer?**

8 A Not that I recall, no.

9 Q **When you are talking about the**
10 **lawsuits from the Ferguson protests, are you**
11 **referring to the case, Devereux?**

12 A I don't know what the actual case was
13 in particular. I mean, I never had to -- I just
14 got told I was a part of that; I never did any
15 depositions or anything at all for it ever other
16 than being informed that I was a part of that
17 lawsuit. So I don't know what the actual name on
18 it was.

19 Q **Got you. Do you know what the**
20 **allegations were about?**

21 A That I -- I believe the allegations
22 were that we fired on reporters I think is what it
23 was. With, you know, like gas and stuff like that,
24 not with actual firearm weapons.

25 Q **Do you know what the result was of**

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1 **that lawsuit?**

2 A I do not, no.

3 **Q Do you know whether there was an**
4 **investigation into your actions at that protest?**

5 A I do not know if there was or not.

6 If there was, I have never been informed of it.

7 **Q You don't know if Internal Affairs**
8 **investigated what you did at that protest?**

9 A I do not.

10 **Q And you don't know whether the force**
11 **investigative unit investigated what you did at**
12 **that protest?**

13 A They didn't exist then, so I don't
14 think they would have later down the road.

15 **Q Did anyone within the police**
16 **department interview you after the fact to ask you**
17 **questions about what you did at that protest?**

18 A No, ma'am.

19 **Q Were you ever disciplined for what**
20 **you did at that protest?**

21 A No, ma'am.

22 **Q Have you ever been disciplined for**
23 **using force at a protest?**

24 A No, ma'am.

25 **Q Just estimated, could you estimate**

1 **how many protests you worked as either a detective**
2 **or as a SWAT officer during your tenure at the**
3 **police department?**

4 A You mean like as far as separate --
5 do you mean like days spent at protests or source
6 -- actual separate protest events themselves?

7 **Q Yeah, it's a hard question to answer.**

8 A A lot. I've worked every single
9 protest that there has been since the original
10 Ferguson up until when I left in February, so I
11 mean, I -- that's a lot. At least ten.

12 **Q Okay. So between -- when you say**
13 **"the original" protest, you're talking about after**
14 **Mike Brown was killed?**

15 A Yes, ma'am.

16 **Q So that's 2014 to 2018?**

17 A Yes, ma'am.

18 **Q You worked a lot of protests?**

19 A Every single one of them that's been
20 in the city, yes.

21 **Q And you were a SWAT officer that**
22 **whole time?**

23 A Yes, ma'am, I was.

24 **Q You had to do some training to become**
25 **a member of SWAT; is that right?**

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1 A Yes, ma'am.

2 Q Did you have any training on protests
3 or civil disobedience?

4 A We did -- we took part in the -- all
5 the CDT training even though we're not members of
6 the CDT team, but we take part in that training so
7 that would be the only actual protest training I
8 have had.

9 Q Is that training primarily about
10 formations?

11 A That's correct, yes.

12 Q Did you do that training one time or
13 more than one time?

14 A Multiple.

15 Q Was the training substantially
16 similar each time or did things change about it?

17 A For the most part, at my level, it
18 was all the same.

19 Q And when you say at your "level," you
20 mean as a police officer?

21 A Correct. You know, I -- I am aware
22 that, you know, commanders and all that do separate
23 training for all this but I have never been a part
24 of that. So just at my ground level being a
25 policeman, it was always all the same kind of

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1 stuff.

2 Q And just so I'm clear, you went to
3 the police academy; is that right?

4 A Yes, ma'am, I did.

5 Q And you started your employment with
6 the St. Louis Metropolitan Police Department as a
7 probationary officer, as everyone does; right?

8 A Yes, ma'am.

9 Q And then you became a police officer?

10 A Yes, ma'am.

11 Q And you stayed a police officer
12 during your tenure?

13 A Correct.

14 Q You said that you've worked many
15 protests, perhaps every single protest since 2014
16 until February of 2018?

17 A Correct.

18 Q Did somebody tell you to go to those
19 protests and work at those protests?

20 A Well, I mean, SWAT was always
21 directed to work those protests, so yes, we were
22 directed to be there.

23 Q And what was the mission of SWAT at
24 protests? What were you trying to do?

25 A In the beginning -- so when I say

1 beginning, I mean during the original Ferguson
2 after the Mike Brown event, our purpose -- we were
3 essentially what I would call the main effort
4 because at that time they didn't have CDT teams out
5 there and there really was no kind of -- at least
6 that I was aware of, there was really no precedent
7 of how to handle those types of situations. So the
8 SWAT teams were out there to deploy gas and -- and
9 do a CDT role, make arrests, disperse crowds, all
10 of those things.

11 And then as it changed over the
12 years, as they, you know -- I don't know who set
13 forth these guidelines but as more guidelines got
14 set forth as to how you needed to respond to
15 protests, SWAT took a lot more of a back seat role.
16 So the past few years we have been just on scene in
17 case they needed either an officer rescue like if a
18 CDT officer got pulled into the crowd or something.
19 We were the contingency rescue team for that or if
20 one of the commanders wanted chemical munitions to
21 be deployed, then we were on scene to do that.

22 But aside from those two roles, the
23 past few years we've just more or less stood around
24 behind the CDT team and waited to be used for
25 something.

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1 **Q And how big is SWAT?**

2 A When I was there it was 18 to 20
3 officers, three sergeants, and one lieutenant. We
4 were never at full staff so that's why I say 18 to
5 20.

6 **Q 20 would be full staff?**

7 A 20 would be full staff, yes, ma'am.
8 I'm pretty sure the number, including myself, was
9 18 officers at the time.

10 **Q And one of your sergeants would have
11 been an administrative sergeant?**

12 A That's correct.

13 **Q I think you just used the term
14 "chemical munitions," what does that mean?**

15 A Chemical munitions is any type of --
16 any type of projectile that the team uses that
17 emits, you know, either a smoke or a gas that is
18 uncomfortable to the skin and eyes and lungs and
19 all that stuff. So that's what I consider a
20 chemical -- chemical munitions. We're also
21 responsible for impact munitions which are your
22 bean bag rounds and rubber bullets and things like
23 that. And then, I guess, just your typical mace
24 would also be, at least in my opinion, would be
25 considered a chemical munition as well.

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1 **Q As a member of SWAT what training did**
2 **you have on the use of chemical munitions?**

3 A The training I had was how to operate
4 all of the launching systems which are the gas guns
5 that fire the munitions, and then trained in the
6 difference between the different types of munitions
7 that are out there because there's a whole array of
8 different types of chemical munitions and what you
9 would actually -- the difference between what you
10 would use them for and what types of situations.
11 And then I was trained in, you know, the legal
12 aspects of using them. I would say that's probably
13 about it.

14 **Q I think you just said, and correct me**
15 **if I'm wrong, that you received some training in**
16 **the types of situations you would use different**
17 **munitions in; is that right?**

18 A Correct. Yes, ma'am.

19 **Q Can you describe more about what you**
20 **mean by that?**

21 A There's certain gases and chemicals
22 that are made for like inside of structures. So if
23 we were to have like a barricaded gunman or
24 something, we would use a different type of
25 chemical munition than what we would use at a

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1 protest, which is an open air environment and
2 you're not trying to get that chemical munition
3 through like a glass window or something like that.
4 The launching systems are all the same for those
5 munitions but there's -- I mean, I don't even know
6 how many different types of chemical munitions
7 there are. There's so many you could talk about
8 them all day.

9 **Q Do you have a general sense of how**
10 **many different types of chemical munitions the**
11 **police department has? I mean, is it a dozen or**
12 **less or a dozen or more?**

13 A I would say a dozen or more, yes. I
14 don't even know if the department has chemical
15 munitions outside of the SWAT Team's chemical
16 munitions. I mean, I don't know if the armory or
17 anyone else even deals with stuff like that, but
18 for the team we had at least a dozen different
19 types.

20 **Q And I think you said that you got**
21 **training in the different kind of launching**
22 **mechanisms, the different gas guns that you would**
23 **use to launch the projectiles; is that right?**

24 A Yes, ma'am.

25 **Q How many of those launching**

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1 **mechanisms did the SWAT Team have?**

2 A There's two separate ones.

3 **Q I think that you said that you were**
4 **trained in the legal aspects of using chemical**
5 **munitions; is that right?**

6 A Yes, ma'am.

7 **Q What do you mean by that?**

8 A What I mean -- it's been a few years
9 since actually took the training, but what I
10 remember from it is, you know, there's only -- like
11 when you're firing some of these munitions, there's
12 certain ways they have to be fired in order to not
13 injure people and obviously, if you fired them
14 incorrectly and injured individuals, then you would
15 find yourself, you know -- if you did it
16 intentionally, then you would find yourself liable
17 for whatever type of damages come along with that.
18 I remember that part being a period of the
19 instruction.

20 That's about all I remember from it,
21 but I know there was a legal part of the classroom
22 instruction.

23 **Q Is that an instruction put on by CTS?**

24 A Yes, it is. Now, that's not what I
25 attended. I attended one that was put on by our

1 CTS guys. There's -- so the SWAT Team has guys --
2 a couple guys that are -- their main duty on the
3 team is to be the gas guys. They will go to the
4 actual CTS course, which is a train-the-trainer
5 course, and then they come back to us and they
6 train us.

7 So I didn't go to an actual CTS class
8 myself; I was trained by the guys that did.

9 **Q How many times have you deployed
10 chemical munitions at a protest? You, personally.**

11 A I don't think I have ever deployed
12 any chemical munitions at a protest. I was always
13 a less-than-lethal guy, which means I carried one
14 of the orange shotguns that I'm sure you've seen in
15 photographs, and I was responsible for deploying
16 the impact munitions like the sock rounds and the
17 rubber bullets.

18 **Q What is a sock round?**

19 A A sock round, it's called that
20 because it looks like a little kid's sock,
21 basically. It's contained in what looks like a
22 shotgun shell and, when that shotgun shell is
23 fired, this sock filled with lead powder comes out
24 and, you know, it hurts; it's meant to bruise you
25 and knock you down. But it's made of that -- like

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1 that powder contained in the sock, that way it
2 won't actually enter your body and kill you or
3 anything like that.

4 **Q And sock rounds and rubber bullets**
5 **are less-than-lethal weapons; is that right?**

6 A Yes, ma'am, they are.

7 **Q How many times have you deployed**
8 **less-than-lethal weapons at a protest?**

9 A Many. I don't even know a number. I
10 mean, during -- the majority of that was during the
11 original Ferguson and -- many, many times. During
12 the Stockley, none at all. So maybe -- the
13 original Ferguson may have been the only time I
14 did, but there was -- it was many times then.

15 **Q And just so I'm clear, when you say**
16 **"the original Ferguson," are you talking about**
17 **protests that took place inside Ferguson the city?**

18 A Yes, ma'am. I say original Ferguson
19 because then a year later on the anniversary I know
20 they protested again and we staged for all of that,
21 but we were not a part of that, so.

22 **Q So for example, the protest that was**
23 **in South Grand after Darren Wilson was not**
24 **indicted --**

25 A Yes, ma'am.

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1 **Q -- you did work at that protest, but**
2 **you did not deploy any less-than-lethal --**

3 A Not that I remember. I may have. I
4 would have to refresh myself with the after-action
5 reports which I don't have access to those anymore.
6 I can't say for certain I did or I didn't. I don't
7 have any fresh memory of doing so like I do with
8 Ferguson and all that.

9 **Q But I think you said you do remember**
10 **that you did not deploy any less-than-lethal**
11 **munitions at the Stockley protest; is that right?**

12 A That's correct. The guidelines for
13 deploying any type of munition had changed between
14 Ferguson and South Grand to Stockley, and I didn't
15 -- I didn't deploy anything during Stockley.

16 **Q Are you saying there were two**
17 **changes, or just one change, between Ferguson and**
18 **South Grand?**

19 A There was just one change it seemed
20 like. So during Stockley, munitions of any type
21 could only be fired at the discretion of a
22 commander; whereas, during, let's say, the original
23 uprising in Ferguson itself, that was at the
24 officer's discretion dependent upon what you saw.
25 Because you were essentially given permission to

1 use those munitions once you went out to work and
2 then you used them at your discretion; whereas,
3 now, during Stockley, everything is at the command
4 of a commander.

5 You would find yourself in a lot of
6 hot water if you were out there just firing stuff
7 at your own discretion nowadays.

8 Q **Do you recall how that changed and
9 the guideline was communicated to you?**

10 A I mean, it was -- it was told
11 directly to us, if that's what you mean. I don't
12 know if they changed like actual policies or
13 anything like that, that I am unaware of, but we
14 were -- we were directly told by our commander, the
15 change, you know, the entire team was.

16 Q **In a verbal conversation?**

17 A Yes, ma'am.

18 Q **Who was your commander?**

19 A Tim Sachs.

20 Q **When did that change happen, do you
21 recall?**

22 A Well, it may have actually -- it may
23 have -- I mean, I distinctly remember conversations
24 with him saying -- saying that, but I think that --
25 I think that probably changed even before he was

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1 the commander, when Lieutenant Steven Dodge was the
2 commander. I think he was the original one who
3 spoke to us and told us, hey, here's an out; this
4 now is how chemical munitions and impact munitions
5 will be used.

6 But Tim Sachs was -- he was much more
7 authoritative than Lieutenant Dodge. So I
8 distinctly remember conversations with him that we
9 would only fire at his command.

10 Q **Is it your understanding that that
11 change applied to using mace as well?**

12 A That was my understanding.

13 Q **So just so I'm clear, your
14 understanding was that you were also only told to
15 fire mace at the discretion of a commander once
16 that policy changed; is that what you're saying?**

17 A That was my understanding of it. I
18 mean, if that's wrong, I don't know, but I didn't
19 even carry mace, most of the SWAT guys didn't, that
20 was more of a CDT thing. So I could be wrong about
21 that, but that was my -- basically my understanding
22 was you don't fire a single thing in any kind of
23 capacity without a commander's discretion. I
24 didn't actually read that anywhere but that was my
25 perception of it.

1 I'm sorry, would you mind handing me
2 one of those glasses? I'm sorry to interrupt you.
3 Thank you very much.

4 **Q When you participated in CDT**
5 **training, did that include any training on when to**
6 **use mace?**

7 A Not that I recall, no. Most of that
8 training was all focused on formations and how to
9 move in those formations and what the different
10 commands were for those formations.

11 **Q Did you do an I/LEADS report for your**
12 **use of the less-lethal munitions at the original**
13 **Ferguson protest?**

14 A I did not, no. Not that I recall.

15 **Q Do you know whether you were supposed**
16 **to or not?**

17 A I don't think I was, no. The only
18 I/LEADS report that I -- that I can remember
19 writing was when one of the nights we got shot at
20 and some the rounds impacted the BEAR, which is the
21 big armored car, and I wrote that report. That's
22 the only report I remember being written, period,
23 about any of those things.

24 **Q And how about SWAT after-action**
25 **reports? Did you write anything like that?**

1 A No, those were, to my knowledge,
2 generally written by the commanders.

3 Q **Do you recall whether you have ever**
4 **been either required or invited to submit a**
5 **critique -- an after-action critique following a**
6 **protest or a civil disobedience event?**

7 A No, I never have been.

8 Q I'm going to ask you about a few
9 specific protests. I'm going to go, I think, in
10 reverse chronological order. I think that would
11 probably be the easiest. I'm going to start with
12 the Stockley protests and ask you some questions
13 about that.

14 A Okay.

15 Q You recall the -- well, if I say
16 September 15, 2017, can we agree that was the day
17 that the verdict was released?

18 A Yes, ma'am.

19 Q **And you worked that day?**

20 A Yes, ma'am, I did.

21 Q **When did you start work,**
22 **approximately?**

23 A Morning time, maybe around 8:00 or
24 9:00.

25 Q **Did you know that the verdict was**

1 **going to come out that day?**

2 A I did not. We had speculated that it
3 would have come out before that. And I was on my
4 way to work when it did come out.

5 **Q You were regularly scheduled anyway?**

6 A Yeah. We -- between 8:00 and 9:00 is
7 normally when we came in every day, so that was a
8 -- just a regularly scheduled day and then by the
9 time I got to headquarters from home, the -- you
10 know, it was all over the news and this and that.
11 Because I guess we had anticipated having like, you
12 know, information that it was going to come out, so
13 we were prepared but we didn't have that, at least
14 not at our level. If they had it above me, I don't
15 know.

16 **Q Was there an operations plan for that
17 event?**

18 A I'm sure there was. There normally
19 is.

20 **Q Is that something that you would have
21 seen? Or is that a command thing?**

22 A If -- no, that would have --
23 everybody would have seen that.

24 **Q How is that disseminated to everyone?**

25 A Generally through email. If it's not

1 disseminated through email, then there's hard
2 copies given to you from your chain of command.

3 **Q Concentrating on what SWAT did, how**
4 **did SWAT prepare for the protests that -- I assume**
5 **you anticipated that there could be a protest; is**
6 **that right?**

7 A Yes, ma'am.

8 **Q How did SWAT prepare for that?**

9 A Well, for myself, I was assigned to
10 one of the four sniper teams, so in preparation for
11 that, I knew that I was going to be acting in a --
12 I mean, I'm just going to continue to call it a
13 sniper team and a sniper OP, but what we actually
14 do is we're observing the crowd through like our
15 spotting scopes and through binoculars and
16 providing real-time intelligence to our command and
17 to the intelligence division and so on and so
18 forth.

19 So I knew I was going to be out
20 serving in that capacity if there was any protest,
21 so I had scouted out where our OPs were going to
22 be, where we anticipated -- at that time where we
23 anticipated the protesting to be taking place so we
24 had preplanned observation posts already
25 designated. So me, personally, that was my

1 preparation that I did.

2 Q **Are you familiar with what a**
3 **documentation team is?**

4 A Yes, ma'am, I am.

5 Q **Does SWAT have a documentation team?**

6 A No.

7 Q **That's a separate unit; is that**
8 **right?**

9 A It's a -- at a separate duty given to
10 officers. I don't know how they select those
11 people to do that but those can be, you know --
12 sometimes I've seen it be intelligence detectives;
13 sometimes I've seen it be just normal uniformed
14 police officers that are assigned that duty.

15 Q **It is something that a person does in**
16 **addition to their normal duties?**

17 A Correct. So they would -- to my
18 understanding, they would document what SWAT was
19 doing, but no, we did not have our own
20 documentation team.

21 Q **During the Stockley protests your**
22 **commander was Lieutenant Sachs; is that right?**

23 A That's correct.

24 Q **You said that you got to work or --**
25 **morning time, around 8:00 or 9:00; is that right?**

1 A Yes, ma'am.

2 Q **What did you do first?**

3 A When I first got to headquarters, it
4 was on the news when I came in so we watched it
5 because even though we had, you know, preplanned
6 what we were going to do as far as the sniper OPs,
7 we were told not to go anywhere yet. So we stayed
8 at headquarters for quite a while before we were
9 actually deployed to those OPs, and then once we
10 were given the go-ahead to go get set up, then me
11 and the -- I had three other guys with me. Then we
12 were -- we went out and set up.

13 Q **And when you say that you were given
14 the go-ahead to do that, is that something that
15 came from Lieutenant Sachs?**

16 A It would have, yes.

17 Q **Where did you end up setting up?**

18 A In City Hall. I was in the -- I
19 don't recall which exact floor it was but I was on
20 the -- I was facing the courthouses so that's the
21 -- that would have been the southwest corner of
22 that intersection right there of -- is that -- is
23 that Tucker and Market right there?

24 Q **Yes.**

25 A Yeah. So I was looking at the --

1 both of the courthouses.

2 Q **And what time approximately was it**
3 **when you ended up setting up there?**

4 A Roughly, probably around 11:00 or so.

5 It was -- I got in place before any protesting --
6 or even before any crowds, you know, formed, but it
7 was maybe around 10:00 or 11:00.

8 Q **How long did you stay there?**

9 A I was there all day. I was in this
10 building the whole day. I moved to a couple
11 different locations but I was in this building all
12 day.

13 Q **Got very familiar with City Hall?**

14 A Yes, that's correct.

15 Q **When did you end the day?**

16 A Um, I don't recall exactly when we
17 were pulled off of -- pulled out of City Hall. And
18 I'm not sure --

19 Q **Was it still light outside?**

20 A Um, I honestly don't remember. I
21 mean, we would have been told to leave here once
22 the crowds would have left from here, and I don't
23 -- like I -- I don't -- it's hard to remember what
24 happened what days, you know, because there were
25 many days that things completely went into the

1 night and I don't know if that was that first day
2 or not. But whenever the crowd left this general
3 area was when I was pulled out of that OP and then
4 would have linked up with the rest of the team.

5 **Q What did you do after that?**

6 A That day, I don't recall. I don't
7 know if anything happened that night.

8 **Q Did you work at a protest in the**
9 **Central West End related to the Stockley protests?**

10 A Yes.

11 **Q In the evening?**

12 A Was that the same day?

13 **Q There was a --**

14 A Okay.

15 **Q Yeah, there was a protest in the West**
16 **End --**

17 A Okay. So then, yes. So then I went
18 to that. I just wasn't sure if that was that same
19 day or not.

20 **Q Okay.**

21 A So we -- do you want me to elaborate
22 on that? Or --

23 **Q I'll just ask. What -- what did you**
24 **do first when you went to the West End?**

25 A When we first went over there, we

1 were -- all SWAT was staged inside of Forest Park
2 and then our commander went up to the scene when
3 all the stuff was happening with the mayor's house.
4 We were told to stay put for right now. He was
5 going to go up and assess the scene and see if we
6 were needed because at that time -- like special
7 OPs was the original people that had responded to
8 that.

15 Q What were you doing there?

16 A Originally, when we got there, we
17 were just -- we were just told to stay put there.
18 They brought the BEAR out to Kingshighway and I
19 don't know if that's Waterman or whatever street
20 that is; whatever street the mayor lives on. But
21 we were at the Kingshighway end of it and we were
22 just set up there for, you know, quite a while.

23 You know, I know CDT was, you know,
24 telling all those guys to disperse and at some
25 point a couple officers got hit with bricks, and I

1 guess, I mean, I don't know who made the decision,
2 but after that happened, then they made the
3 decision that we were going to try and clear
4 everyone out of that cul-de-sac.

5 So then, that was when the -- they
6 had the CDT team march all the way down to Euclid
7 and we -- so we followed behind the CDT team as
8 they marched down that cul-de-sac.

9 **Q Were you, personally, on foot or in**
10 **the BEAR?**

11 A I was on foot.

12 **Q And was the BEAR with you?**

13 A I don't know -- I don't know if the
14 BEAR went -- the BEAR was there at Kingshighway; I
15 don't know if the BEAR went down that cul-de-sac or
16 not because I don't know if they could even get in.

17 **Q And just so I am clear, are we**
18 **talking the cul-de-sac on the west side of**
19 **Kingshighway or the east side?**

20 A East side of Kingshighway. It may
21 not even be a cul-de-sac, but I don't think it went
22 all the way through. Like once we got up to
23 Euclid, there's like a really ornate stone wall and
24 gate there, so like traffic couldn't turn into
25 there from Euclid. So I think it was a cul-de-sac;

1 it may just be a blocked off road there. I don't
2 know.

3 Q **Is this south of Maryland?**

4 A I'm not exactly positive where
5 Maryland is, so.

6 Q **I don't know how familiar you are
7 with the neighborhood.**

8 A I never actually rode that
9 neighborhood a lot because that's really not a high
10 crime neighborhood so I'm not super familiar with
11 it.

12 Q **The cul-de-sac or the street that
13 doesn't go through, is that a residential street or
14 a business street?**

15 A It was a residential street.

16 Q **After you were sort of following the
17 CDT officers on foot as they were clearing people
18 out of that street, what did you do next?**

19 A We pushed all the way down to Euclid
20 and stayed there for a while. And then, I guess
21 crowds formed at either end because they -- they
22 told us to -- I guess that's going north on Euclid.
23 They told us to push up north toward Euclid to
24 disperse crowds up there and as we were, you know
25 -- at that point there was not really -- it wasn't

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1 really a march like, of a CDT line; it was kind of
2 a gaggle of officers at that point.

3 We went north up Euclid and, you
4 know, after a few blocks that crowd dispersed, so
5 we just held there for -- it seemed like a while.
6 I don't know how long it actually was; maybe 20, 30
7 minutes just to make sure it stayed dispersed. And
8 then we went south down Euclid and did the same
9 thing going south down Euclid to Lindell, and then
10 we held at Lindell for quite a while.

11 **Q You just said, I think, that it was**
12 **"a gaggle of officers." Was there a line struck**
13 **across the street?**

14 A I mean, I think there was but it was
15 just a -- normal officers. Like at that point --
16 because, like, traditionally, those lines are like
17 the CDT officers with shields and helmets and all
18 that stuff. I don't recall them being out on -- I
19 could be wrong, but I don't recall them being out
20 on Euclid. I think it was just kind of a
21 hodgepodge of just officers that were there.

22 Because at that point you had so many
23 units that had responded there because of the mayor
24 saying, you know -- special OPs was there, SWAT was
25 there, district cars were there; there was every

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1 manner of people there at that point, so.

2 Q **Do you know who the incident**
3 **commander was at that point?**

4 A I don't, no. I mean I would -- any
5 name I would say would just be an assumption. I
6 don't actually know.

7 Q **Were you with other members of SWAT?**

8 A Yes, ma'am, I was.

9 Q **And you, personally, you were kind of**
10 **behind the line of normal officers; is that right?**

11 A That was when we proceeded down that
12 cul-de-sac and then once we got onto Euclid, the
13 line was basically us, you know, just the gaggle of
14 officers was -- the combination of officers was --
15 we basically formed a line and just kind of walked
16 down Euclid in both directions just in a -- abreast
17 of each other, basically.

18 Q **And what was your goal in, you know,**
19 **pushing down Euclid?**

20 A We were told to just -- to go down
21 Euclid to disperse the crowd and as we went down
22 Euclid the crowd was dispersing. Like I said, it
23 got to a point where they were so far ahead of us
24 and you could tell they were breaking up so we were
25 told to hold right there and stay in place.

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1 We waited there for, maybe, 30
2 minutes and then they told us to go south on
3 Euclid. And we did the same thing going south
4 until we got to Lindell and then we held there for
5 quite a while.

6 **Q Who told you to do that?**

7 A I don't remember offhand. I would --
8 probably, Lieutenant Sachs.

9 **Q Were you told to do that by radio?**

10 A We would have been, yes. We all wore
11 headsets that ran into our radios and that's where
12 all the direction comes from. So -- now, there's
13 so many people talking all on this channel, so I
14 don't -- I can't say for certain it was Tim Sachs,
15 but I mean --

16 **Q Yeah.**

17 A -- there's a good chance it was.

18 **Q Do you recall if you were on the**
19 **TAC-B channel?**

20 A I don't remember what channel it was.
21 I wouldn't be surprised if it was because all those
22 protests are on a recorded channel, and I know
23 TAC-B is recorded, so it probably -- it probably
24 was.

25 **Q Would there have been multiple**

1 **channels in use at the same time or is everybody**
2 **who is responding to an incident using the same**
3 **channel?**

4 A I'm sure there probably was multiple
5 channels in use. Now, we -- as far as SWAT, we
6 always stayed on the same one which was the same
7 channel that CDT was on. I mean, I'm sure probably
8 all the different units use different channels and
9 there's probably a primary one, but we were on the
10 primary one.

11 Q **I think you said you were told to**
12 **push down Euclid in order to disperse the crowd; is**
13 **that right?**

14 A That's correct.

15 Q **Do you know why? Why was the crowd**
16 **supposed to disperse?**

17 A I mean, at that point they were
18 breaking some storefronts, I think. And I -- I can
19 just only assume that the -- whoever gave us that
20 -- made that call for us to push down there
21 probably thought they were going to vandalize
22 stuff.

23 Q **Did you see anybody breaking a**
24 **storefront?**

25 A I didn't actually see anyone breaking

1 a storefront. I remember seeing broken glass and
2 stuff like that, but I didn't actually see them
3 doing it, no.

4 Q **Do you remember where you saw broken
5 glass?**

6 A I thought it was off of Euclid. I
7 thought it was on Euclid, yeah. I mean, again,
8 I've worked so many dang protests that it could be
9 -- the lines could be getting blurred, but I
10 thought there was broken windows off of Euclid at
11 one point as we were going down it.

12 Q **Do you remember whether there were a
13 lot of broken windows, or just one?**

14 A I don't remember how many.

15 Q **Tell me if I've got this wrong, but I
16 think to summarize what you said, you and the line
17 of officers pushed north on Euclid, stayed --
18 stayed put for 20 to 30 minutes, and then were told
19 to do the same thing and push south on Euclid and
20 then you held at Lindell?**

21 A That's correct.

22 Q **What did you do after that?**

23 A So we got down to Lindell and we held
24 there for quite a while. We were there for so long
25 because there was some guy that kept coming around

1 the corner throwing bricks and like canned
2 vegetables and all kinds of things at us. And at
3 that point Colonel Layshop (phonetic) wanted us to
4 send officers out and go try and arrest that guy
5 which we did not think that was a very smart
6 decision; that wasn't very tactically safe because
7 at that point they thought some of the officers had
8 gotten shot at from like an alleyway. I was not
9 one of those officers, but I remember hearing that
10 some guys got shot at over here.

11 There was no structure to the way we
12 were when we were down there at Lindell, so me and
13 a couple other guys pushed up to Lindell and we
14 looked down towards the Chase and we made our own
15 decision that we were not going to go chase after
16 that guy and try and arrest him because that was
17 not very tactically safe at that point. So we
18 essentially disregarded that and came back to where
19 the rest of the guys were at. I mean, they were
20 only maybe 50 feet behind us, but we weren't trying
21 to go chasing after anybody. That wasn't a safe
22 thing to be doing, so we just stayed there for a
23 while.

24 And nothing was really going on. You
25 know, it always seems like it takes a long time for

1 people to make decisions as to what we're going to
2 do next, so that's why we were just kind of
3 standing around. And then we got told to go back
4 to where we were stationed in Forest Park.

5 **Q When you were holding at Lindell, was**
6 **the BEAR with you at that point?**

7 A It was on Euclid, yes. It wasn't
8 right up at the intersection, it was further back
9 down but it was on Euclid. That was how I got back
10 to Forest Park was by riding on the BEAR.

11 **Q You did not deploy any**
12 **less-than-lethal munitions or chemical munitions in**
13 **the West End that night; is that right?**

14 A That's correct.

15 **Q Did you see any other officers do so?**

16 A No, I did not. That night I only had
17 my actual rifle because I had come off the sniper
18 OP and I didn't have any other equipment with me
19 other than my rifle. So I was more or less just a
20 body walking in the line going up and down.

21 **Q And you didn't see any officers**
22 **deploy mace; is that right?**

23 A Not that I saw, no. Now, like when
24 CDT was clashing with those people, they were like
25 right up on them, but we weren't a part of that.

1 And then when we were the ones that were actually
2 walking that line, there was a great distance
3 between us and any of those individuals, so I mean,
4 you wouldn't have even been able to mace them if
5 you wanted to.

6 **Q After you went back to Forest Park,
7 what happened? Did you stay there a long time?**

8 A I think we got released from there.

9 **Q Did you have some kind of debriefing
10 or review of what had happened that day?**

11 A Not that I recall, no.

12 **Q Did you work the next day?**

13 A Yes, ma'am.

14 **Q Were you in, at the Loop that evening
15 for a protest?**

16 A We did go to the Loop. I don't know
17 if that was that next day or not. It wasn't during
18 the day, it was at night when I was in the Loop.

19 **Q Let me go back to -- start from the
20 beginning of Saturday, September 16. Did you come
21 in to work that morning?**

22 A Yes, ma'am.

23 **Q And were there protests or civil
24 disobedience events going on?**

25 A As far as I remember, yes.

1 **Q Where did you go?**

2 A That day, I don't specifically
3 remember where we went. I would have gone to one
4 of the sniper OPs to overwatch the crowd. I mean,
5 if you're able to tell me where any of those crowds
6 were, I can probably remember and tell you where I
7 was at, but I just don't. Like I said, I haven't
8 been able to read any after-actions reports or
9 anything to refresh myself, so I don't specifically
10 remember what was going on that next day.

11 **Q And you said at some point you did
12 respond to the Loop, but that was in the evening?**

13 A That was in the evening, yes.

14 **Q Okay. Do you remember why you were
15 told to go there?**

16 A We were told that they were going up
17 and down Delmar there, you know, breaking windows
18 and all that stuff. So we were sent over there --
19 so we went over there and then there was -- so CDT
20 -- I'm pretty sure there was a CDT line that was
21 going down -- going back -- so the way we went in,
22 we were all the way at the far end of the Loop,
23 like towards University City and then when we --
24 when they marched down, I was riding in the
25 passenger seat of the van that we have as it went

1 down Delmar going back towards the city.

10 Q Did you see any officers deploy
11 chemical munitions at that location?

12 A Not that I recall, no.

13 Q And I assume you also worked the next
14 day, Sunday, September 17?

15 A Yes, ma'am.

16 Q Did you also start work in the
17 morning?

18 A Yes, ma'am.

19 Q Do you -- I know that you may not
20 remember the days, what happened each day and where
21 you went each day. Do you recall where you went
22 first?

23 A That -- that day I do because that
24 was kind of like the biggest day, so I remember
25 that and that was really our last day of

1 involvement. I started that day, I had to go in
2 early because, you know, whoever -- to my knowledge
3 there is some type of protest organizer who usually
4 tells the police department where they're going to
5 be that day, at least that's the way it's supposed
6 to work. And we had been told they were going to
7 protest at police headquarters that day.

8 So me and a couple other guys on the
9 sniper teams had to come in early and get put in
10 our OP because we had -- there was no way to get
11 into our OP through the building; we had to be put
12 up there by the fire department in one of their
13 bucket trucks. So we came in before the protest
14 started and got put in place by the fire
15 department, and then I spent that whole day there
16 until the crowd had moved on from headquarters.
17 And then we got taken down by the fire department.

18 And then we got told -- then once the
19 crowd re-formed as evening kind of set in, they
20 told us to get back in place. But we couldn't get
21 back up on that building because, like I said, we
22 had to be put in place by the fire department and
23 the fire department couldn't get through the crowd.
24 So we went to a building across the street from
25 that building and that was all at 18th and Olive.

1 **Q When you use the term "OP," you mean**
2 **overwatch position?**

3 **A Yeah, overwatch position or**
4 **observation position.**

5 **Q Okay. And in that -- from your OP**
6 **you were relaying information about the crowd to --**

7 **A Correct.**

8 **Q -- intelligence command?**

9 **A I was relaying it to Sergeant Mike**
10 **Sego (phonetic), who, he was -- he was not one of**
11 **our snipers but he was -- during -- during that**
12 **protest, he was assigned to, basically, be the**
13 **point of contact for all the sniper OPs. So all**
14 **the different OPs -- because there's multiple OPs**
15 **overwatching this whole area, they would all send**
16 **their information to him and then he would then**
17 **pass that on to Lieutenant Sachs who would then,**
18 **you know, he would pass it on to -- I'm not sure**
19 **who he passes that on to, but essentially, it goes**
20 **up the chain of command from there.**

21 **Q And how do you relay that**
22 **information? Is that also by radio?**

23 **A Yes, ma'am.**

24 **Q Do you know if a recorded channel is**
25 **used for that?**

1 A Yes, it is.

2 Q Do you use the same channel that the
3 rest of SWAT and CDT are using in a situation like
4 that?

5 A In a situation like that, we were not
6 on the -- now, we would monitor the CDT channel on
7 a different radio, but since we needed to be able
8 to pass information quickly and not wait for the
9 air to be free, that was passed on another channel.
10 I think that was passed on MR/K-9, but I could be
11 wrong. It was a record channel either way. Like
12 the SWAT was very adamant about whatever channels
13 we used had to be recorded, so.

14 Q The first time you were at that OP,
15 how long were you there?

16 A I was there for many hours. Six
17 hours, probably, at the first OP.

18 Q And how about the second one?

19 A The second one, maybe four hours. We
20 went in there when it was still daylight and we
21 stayed all the way through until nightfall came.
22 And then the protest moved from the front of police
23 headquarters and that was when they proceeded like
24 down Market towards Washington Avenue and all that.
25 And then once they were out of our field of view

1 which was -- right around the library I'd say was
2 where they were out of our field of view from that
3 OP. Then we broke that OP down and -- like our
4 cars -- the building we were in at that point,
5 there was a parking garage underneath it and we
6 were parked there, so we broke down all our
7 equipment and went and met up with the team.

8 **Q I think that you said that what**
9 **motivated you or your commander to put you to that**
10 **second OP was that the crowd had re-formed?**

11 A That's correct.

12 **Q Do you know why the crowd re-formed?**

13 A I do not, no.

14 **Q Were they in the same place as --**

15 A Yeah, they went back to the front of
16 police headquarters. There was people in front of
17 police headquarters the whole time but it was just
18 a very few. It was a very small number when we
19 left that original OP and that was why we -- that
20 was why we left; there was nothing really going on
21 here anymore and like we had no overhead cover at
22 that OP and we were absolutely cooked, so that was
23 why we finally pulled off.

24 **Q Do you recall seeing a police vehicle**
25 **back up into the crowd there?**

1 A I don't remember a police vehicle. I
2 remember a -- I think it was a tan sedan being in
3 the crowd. And that was at the western edge of the
4 crowd which would have been at 20th and Olive.

5 Q **Do you know if it was driven by a**
6 **police officer?**

7 A I do not. It -- I remember seeing it
8 stopped in the crowd and basically a combination of
9 police officers and protestors engaging that
10 vehicle. So I think it was just a -- I mean, I --
11 I don't know what -- it wasn't a police vehicle,
12 but I can't also say that it was a protestor
13 either. For all I know it could have just been
14 somebody who got lost and didn't know they were
15 driving right into a protest. And I don't know
16 what they ended up doing with that vehicle or any
17 of its occupants, but it was essentially being
18 engaged by the police and the protestors at the
19 same time.

20 Q **Was that before or after the crowd**
21 **had re-formed?**

22 A That was before. That was earlier in
23 the day.

24 Q **The presence of the vehicle, is that**
25 **the kind of information that you would relay to**

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1 **Sergeant Sego? Or --**

2 A I did. I would have relayed it, yes,
3 but I mean, it was already being dealt with. Like
4 the bulk of the information we passed was stuff
5 that nobody else could see but us. So we would --
6 when we're scanning these crowds, we're trying to
7 identify anyone who we could tell was armed which
8 there's a lot of people who open carry in these
9 crowds, so we would report that up, giving a
10 description of the person and what type of weapon
11 we saw them carrying.

12 We would try to identify, you know,
13 anyone that we -- that seemed like they were almost
14 a ringleader, I'll say, you know, kind of -- any of
15 the protestors who might seem to be giving
16 direction to other protestors, we would pass that
17 information up and identify those people. And then
18 we would also keep track of all the undercovers
19 that were in the crowd and, you know -- because
20 those guys are just kind of out there flapping on
21 their own when they're in those crowds, so we would
22 do the best we could to keep an eye on them.

23 **Q Were any of the people that you**
24 **identified as ringleaders, like personally known to**
25 **you already as a person who observes lots of**

1 **protests?**

2 A The only person that I remember
3 seeing at these protests who I had seen before --
4 and I don't know what his name is, but there is an
5 individual who would always -- he would always
6 bring a rifle to the protests and, you know, he's
7 well within his rights to do that. But he was at
8 that protest with a rifle and I distinctly remember
9 him being there because we had seen him on numerous
10 occasions at different protests, but I don't know
11 what his name is.

12 **Q Other than that individual, there was
13 no one who was personally known to you?**

14 A No.

15 **Q Except, I assume, the undercover
16 officers?**

17 A Yeah, I certainly, obviously, knew
18 who they were, so.

19 **Q Do you -- when you are relaying
20 information about what a crowd is doing or what
21 individuals in the crowd are doing, do you -- do
22 you relay the kind of conduct that they're engaged
23 in? Does that make sense?**

24 A If it's something of importance, yes.

25 **Q Okay.**

1 A So, you know, obviously, if we
2 identified an armed individual, I would call up and
3 say, you know, hey, in the western edge of the
4 crowd I have an individual that has a pistol on his
5 hip, and then I would go into a further description
6 of him. That way, you know, the undercovers could
7 try to identify him and then the other snipers and
8 the other observation posts could try to find him.
9 That way we could all jointly try to keep an eye on
10 that individual.

11 But you end up identifying so many
12 individuals, it's impossible to keep up with all of
13 them as the day goes on because these crowds are so
14 large, they get lost in the crowd easily.

15 Q **Mm-hmm. Other than being armed or**
16 **open carrying a weapon, are there other types of**
17 **important conduct that you relay?**

18 A If we could identify anybody that had
19 any -- anything that looked like water bottles
20 filled with like milk or any of the things like
21 that, then we would pass that up and identify those
22 people. I mean, really -- that's really about it.
23 Anybody who was carrying like strange items that we
24 didn't even really know what they were, like
25 there's this thing called a sleeping dragon, which

1 I don't even really know what it is. It's some
2 type of pipe they put their arms in, I think, and
3 like lock themselves to it.

4 So if we saw people carrying strange
5 items like that, we would pass that up.

6 **Q What is the significance of a water
7 bottle filled with milk?**

8 A Generally that was -- so, like if you
9 get maced or gassed, you know, the milk is like a
10 -- I guess it soothes the affects of the chemical
11 munitions. So that was something they wanted
12 passed up because they basically wanted to know,
13 like how -- it's essentially for them; they're
14 gauging how prepared the crowd is for any type of
15 response the police may give. That's my opinion of
16 why we were told to pass that stuff up.

17 **Q I think you said after you left,
18 after you had broken down that second OP you
19 rejoined the rest of SWAT; is that right?**

20 A That's correct.

21 **Q Where did you go then?**

22 A I'm not sure of the actual numbers of
23 the intersection but we were right there in front
24 of the library was where the team was at and that
25 was where we went and met up with them. I was in

1 my personal Tahoe -- like my police Tahoe that
2 night as well as the other two snipers. So we all
3 went and linked up with the BEAR and the van there.

4 Q **And where were the protestors at that**
5 **point?**

6 A There was people that they were -- I
7 assume they were arresting them -- that they
8 already had in custody there at the library and
9 then at that point everyone else was -- they had
10 already moved on from that and they were going down
11 Washington Avenue, and CDT was over there dealing
12 with that, but we were -- we were told to stage
13 there at the library.

14 Q **Do you have a sense of what time it**
15 **was at that point?**

16 A I mean, exactly, no. Maybe 8:00 or
17 9:00. It was completely dark at that point so it
18 was later in the evening but I don't know exactly
19 what time.

20 Q **You said there were some people who**
21 **were in custody near the library?**

22 A Yes, ma'am.

23 Q **Who was arresting them? Was that**
24 **SWAT or --**

25 A No, that was CDT. Like CDT had

1 followed that crowd down Olive until they were out
2 of our view, so yeah, that was all CDT officers.
3 When I got there, SWAT was all sitting in the van
4 and in the BEAR, just sitting there. We don't
5 actually take part in any of these arrests or
6 anything like that.

7 **Q Do you know what caused the people to**
8 **be arrested?**

9 A I don't.

10 **Q How long did you remain there**
11 **waiting?**

12 A Quite a while. We were there -- so
13 we got there, stayed there; CDT was dealing with
14 people on Washington Avenue. It was quite a while,
15 and --

16 **Q Let me ask you, how do you know that**
17 **CDT was dealing with people on Washington Avenue?**

18 A I mean, I think -- I didn't actually
19 see them doing that but I thought -- CDT was not
20 with us. They were -- and I remember hearing on
21 the radio that people were going down Washington
22 Avenue breaking potted plants and things like that,
23 so I'm assuming CDT was down there dealing with
24 them because there was only a small contingent of
25 CDT officers where we were at.

1 And they weren't -- they were dealing
2 with the guys that they were arresting. They
3 weren't like forming a line or protecting anything
4 like that. They were just dealing with those
5 arrested individuals.

6 **Q So you stayed at that location for**
7 **quite a while?**

8 A Yes.

9 **Q What did you do when you left there?**
10 A From there we were told -- from there
11 we were released for the night. So we were told we
12 could go. And like I said, I had my personal Tahoe
13 at that point, so myself and another officer left
14 and were going to where his car was at so we could
15 go home.

16 And once we pulled into there to drop
17 him off, it came over the radio that we all had to
18 go back because now there was some kind of crowd
19 forming at the intersection there at Tucker and --
20 is that Tucker and Washington? There was a crowd
21 forming there so we were all told we had to go
22 back. So all right. Well, I guess we'll go back.

23 So we turn around and we go back and
24 we parked on -- at this point, when we got there,
25 like there was tons and tons of vehicles and that

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1 intersection was just completely crowded. CDT was
2 already there, in place doing their thing, so we
3 had to park quite a bit back. I mean, I was parked
4 right about the intersection of Olive and -- Olive
5 and Tucker and I had to walk down there with the
6 other SWAT officers.

7 And they -- at one time they finally
8 got the van up there because, like I said, we were,
9 you know, that -- the van is what's tasked with
10 officer rescue, if they have to rescue somebody.
11 So they eventually got the van up there. I don't
12 remember if the BEAR came up there or not.

13 And like I said, CDT was already
14 dealing with the mass arrest situation that was
15 going on there when we got back up there because
16 they had never -- I don't know if they had been
17 released or not but it takes a lot for CDT to get
18 out of the area because they have to get picked up
19 by these Bi-State buses and everything. We left so
20 quickly because we had our own personal vehicles
21 and were just able to burn out, so.

22 Q **When you parked at Olive and Tucker**
23 **and you walked with other officers to Tucker and**
24 **Washington, was there traffic going down that**
25 **street?**

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1 A I don't think so, no. It was mostly
2 all -- where I parked was pretty much all police
3 cars, you know, from every different unit that was
4 there.

5 Q **And I think you said that by the time**
6 **you got to the Tucker and Washington intersection,**
7 **CDT was already controlling the mass arrests; is**
8 **that right?**

9 A That's correct.

10 Q **What did you do at that point?**

11 A Just stood there, you know.

12 Q **Do you remember exactly where you**
13 **stood, what part of the intersection?**

14 A I don't. I mean, I think we were
15 right in the middle of the intersection because we
16 walked up and, you know -- I'm not proud to say it,
17 but at that point I didn't have the best attitude
18 about what we were doing because I just -- I mean,
19 I wanted to go home and --

20 Q **You had been released and called**
21 **back.**

22 A Yeah. So me and the other officer
23 that I was with just stood there and watched and
24 essentially waited to be released again. I know
25 that sounds lazy but that's what we did, so.

1 Q **Were you wearing personal protective**
2 **equipment?**

3 A I would have had my SWAT equipment
4 on, yes.

5 Q **And that's a black tactical --**

6 A Yes, ma'am.

7 Q **-- gear?**

8 A Yes. Black -- blue uniform -- all
9 navy blue uniform, a black vest, and a black
10 helmet.

11 Q **You were wearing your helmet at that**
12 **point?**

13 A Yes.

14 Q **Could you observe the arrests that**
15 **were taking place?**

16 A Yeah.

17 Q **Did you see any officers use chemical**
18 **munitions?**

19 A Not that I recall, no.

20 Q **When you arrived at the intersection,**
21 **was there still a sort of gaggle of civilians all**
22 **in one place, or had some people's arrests been**
23 **effectuated?**

24 A I don't know if people's arrests had
25 already been -- when we got there, it was already

1 going on. The parts I specifically remember is I
2 know there was a crowd that had pushed north up
3 towards like that gas station. And I know there
4 was a line of officers that was like on that far
5 side of that intersection. You know, they weren't
6 like pursuing those guys, but they were just
7 holding there. And then there was a group of
8 people that were all seated on the ground with
9 their arms interlocked and officers were basically
10 separating those people and putting them in flex
11 cuffs and all that stuff.

12 So that's the specifics of what I
13 remember from being there.

14 **Q So if I understand what you're saying**
15 **correctly, there were sort of two groups of**
16 **civilians, one that was pushing north and another**
17 **that was seated on the ground?**

18 A By the time I got there, that's
19 correct. That's what I remember. If there was
20 people going the other ways, I don't remember
21 seeing them.

22 **Q The people who were pushing north,**
23 **were they in custody or under control?**

24 A No, they were not right up on CDT.
25 Like they -- they were a good distance. They were

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1 about a block's distance away from CDT and I think,
2 you know, I can't speak for those people, but I
3 think they were probably just waiting to see if CDT
4 was going to pursue them, which they didn't. And
5 then after a short period of time those people just
6 left.

7 **Q Were those people -- if I use the**
8 **term "kettle," do you know what I'm talking about?**

9 A Yeah, I know it just from the news
10 and everything. I didn't know what it was prior to
11 that, but yes, I know what you're talking about.

12 **Q Were those people inside the kettle**
13 **or outside of it?**

14 A They were outside of it. When we
15 arrived, the only people that were inside of it
16 were those people that were sitting on the ground.

17 **Q So the people who were outside the**
18 **kettle, they were on the south side of that**
19 **intersection trying to push north into the**
20 **intersection; is that what you're saying? Or**
21 **they're on the north side?**

22 A Say that again?

23 **Q You came up from the south; is that**
24 **right?**

25 A That's correct.

1 Q **The civilians that you saw that were**
2 **outside the kettle, were they on the same side of**
3 **the intersection as you or --**

4 A No, they were on the far side. Like
5 when we came up from the south, we were able to
6 just walk right in; like there was nobody on the
7 south side.

8 Q **Is that because the line that had**
9 **been on the south side was doing the arrests?**

10 A I believe so, yeah. I don't know
11 specifically what line that was doing the arrests
12 but there wasn't -- as far as I remember, by the
13 time I got there, there wasn't even a line on the
14 south side. As far as I remember, we were able to
15 walk right up.

16 Q **I think earlier you said that the**
17 **group of people who was sitting on the ground had**
18 **their arms interlocked?**

19 A That's correct.

20 Q **Is that with one another?**

21 A Yes.

22 Q **And you saw officers separating them**
23 **and then flex-cuffing them?**

24 A Mm-hmm. Correct.

25 Q **Did you see any officer use any force**

1 **that you thought was inappropriate?**

2 A No.

3 **Q How many people would you estimate**
4 **was in that group?**

5 A Quite a few. I mean -- I mean, it --
6 I'm just taking a shot in the dark, but maybe 30 to
7 50? It was a big group of people sitting on the
8 ground.

9 **Q You had been released and then told**
10 **to go back; is that right?**

11 A That's correct.

12 **Q Were you told why you needed to go**
13 **back?**

14 A I don't know if we were actually told
15 or if we just made the assumption.

16 **Q What assumption did you make?**

17 A I just assumed that they -- the crowd
18 had re-formed and, you know, just there -- I mean,
19 there was numerous times we'd leave locations and
20 have to go back because a crowd had re-formed, so
21 this was the only time we had actually been sent
22 home and told to come back. But I -- I mean, I
23 assumed that the crowd had come back.

24 **Q What was your -- I understand that**
25 **you were sort of standing there waiting to get**

1 **released again. What were you supposed to be**
2 **doing? Is that what you were supposed to be doing?**

3 A I was given no direction whatsoever
4 other than to go back up there. The only people I
5 recall being given any kind of direction was --
6 like I said, the van was told to push back up there
7 in case they had to do an officer rescue but other
8 than that, we were given no direction at all.

9 **Q How many officers were there,**
10 **approximately, at that intersection when you**
11 **arrived?**

12 A A whole lot. I couldn't even tell
13 you. There was policemen everywhere.

14 **Q Did you feel like it was necessary**
15 **for you to be there?**

16 A No.

17 **Q How long did you stay?**

18 A Not that long. Maybe 15 minutes.

19 **Q You didn't have any role in carrying**
20 **out any of the arrests; is that correct?**

21 A No.

22 **Q Or transporting anyone?**

23 A No.

24 **Q Okay. Did you see the arrestees get**
25 **placed in prisoner vans?**

1 A I don't recall if I did that night.

2 I mean, in the past I've seen numerous arrestees be
3 placed in the sheriff's vans and the cruiser vans,
4 but I don't know if I did that night or not.

5 Q **Do you recall whether you saw
6 arrestees get photographed?**

7 A I don't recall. Like I said, same
8 answer, you know, I've seen it happen. I don't
9 know if it was that night or other nights.

10 Q **Mm-hmm. When you are doing
11 observation and relaying information, do you relay
12 information about who is recording -- what
13 civilians are recording?**

14 A Not really because pretty much
15 everyone's recording, it seems like, so that wasn't
16 something that was really important for us. I
17 don't know if that's something undercovers would
18 have been passing up, but not us. We were more --
19 our focus was more on the safety aspects and the
20 stuff we would pass up, you know. Like I said, the
21 weapons and then anybody that seemed like an actual
22 crowd organizer, you know, those are the things we
23 would pass up.

24 Q **Is it important to know who the
25 organizers are for officer safety?**

1 A I mean, I think -- so yeah, just
2 because then -- so if you can identify that person
3 and then you're tracking that person, it's just --
4 it -- it helps give you a better sense of what they
5 might be doing next. So, like, you know, not
6 necessarily for me, but, like, the information we
7 would pass that would eventually make its way to
8 the undercovers that were in the crowd so they
9 could go seek that person out.

10 I mean, they, to my knowledge -- like
11 those undercovers, they actually -- they're in the
12 crowd asking questions about, hey, where are we
13 going next, stuff like that. That's the next step
14 in formulating the information. We, more or less,
15 just start -- we're like the preliminary -- like,
16 hey, that guy seems like an organizer. So then
17 information goes back up, comes back down,
18 undercovers try to go make contact with that
19 person, and then their information goes up and so
20 on and so forth.

21 So to answer your question, it's a
22 safety aspect in the sense of trying to anticipate
23 their next moves. Because if we can do that, it
24 just it makes us safe; it makes the geographical
25 location safe if we can get officers in the area

1 before things might go get destroyed or anything
2 like that, you know.

3 Q Mm-hmm. You said, I think, that you
4 stayed at the Tucker and Washington intersection
5 about 15 minutes, a short time?

6 A Yeah, it seemed like it. I mean,
7 most of the other locations we had been -- we were
8 there for an extended period of time. We weren't
9 at the Tucker and Washington for very long. It may
10 have been longer than 15 minutes but it wasn't much
11 longer than that.

12 Q What did you do after that?

13 A Went home.

14 Q Did you just walk back to your
15 vehicle and drive away?

16 A Correct.

17 Q Did you go to any kind of debriefing
18 or after-action review of Sunday the 17th?

19 A No.

20 Q Were you invited to do so?

21 A No, I wasn't.

22 Q I think I asked you this some time
23 ago, but you weren't invited to submit a written
24 narrative or critique of what happened?

25 A No, I wasn't.

1 Q I'm going to ask you some questions
2 about some other protests.

3 A Okay.

4 MS. STEFFAN: Do y'all want to take a
5 break?

6 MR. LAIRD: This is a good time to
7 take a break.

8 (Off the record.)

9 Q (BY MS. STEFFAN) I told you I was
10 going to ask you about some other protests now.
11 Just one general question about the Stockley
12 protests first, did you see any other officers
13 deploy chemical agents during those protests?

14 A No. Not that I recall.

15 Q Did you work a protest in August of
16 2015 following the shooting death of Mansur
17 Ball-Bey in the Fountain Park neighborhood?

18 A Yes. Yes, I did.

19 Q Did you see chemical munitions get
20 deployed at that protest?

21 A Yes.

22 Q Did you yourself deploy any chemical
23 munitions at that protest?

24 A No.

25 Q What munitions did you see get

1 **deployed?**

2 A I don't know what they were --

3 **Q Generally?**

4 A Yeah, I don't know what they were
5 specifically. What I recall happening was at one
6 point -- at one point one of the commanders said
7 that they wanted the BEAR to deploy chemical
8 munitions and the way the BEAR does that is it
9 drives out, essentially, towards the crowd and
10 launches chemical munitions. I was out amongst the
11 crowd at that time and got gassed myself so I don't
12 -- I don't know what they were actually deploying,
13 but it was all -- I mean, it was tear gas of some
14 sort. Tear gas comes in a lot of different forms
15 but it was tear gas of some sort.

16 **Q You were out among the crowd at that
17 point?**

18 A Correct.

19 **Q Do you know what motivated the
20 decision to deploy chemical munitions?**

21 A I don't know specifically, no. I
22 mean, I obviously can speculate as to what drove
23 that decision, but I don't specifically know.

24 **Q What did you see the crowd doing that
25 would have justified the deployment of chemical**

1 **munitions?**

2 A Throwing bricks and -- I mean, at
3 some point even grabbing officers. That protest
4 was a very different situation than what I have
5 seen in other protests since. Like there was no
6 CDT line. What the department had put out there
7 was a line of just normal uniformed officers that
8 they had called from districts from all over the
9 city, and those guys were completely unprepared for
10 the clash that happened with that crowd.

11 Because of all the protests I have
12 been a part of outside of the shootings that
13 happened in the Ferguson protest, that was the most
14 violent protest I had seen. Now, it was a very
15 short duration but during that short duration it
16 was exceedingly violent. They were point blank
17 throwing bricks at those uniformed coppers. At one
18 point I know a female officer got grabbed and
19 pulled towards the crowd.

20 There was, essentially, very little
21 order, it seemed like to me, and that was how I
22 ended up out amongst the crowd. Because at one
23 point we were given -- there was nobody that really
24 seemed like they were overall in charge. We were
25 given direction to push the crowd one certain way

1 and we pushed them up to Page and Walton. And then
2 we pushed them north up Walton and that's where I
3 was at when the BEAR -- I saw the BEAR go behind me
4 deploying the chemical munitions.

5 So I don't know who made that
6 decision to deploy the chemical munitions and I
7 can't say specifically what drove them to make that
8 decision, but I can only assume it was the violence
9 of the crowd.

10 Q **You saw the BEAR go by on Page?**

11 A Yeah, it was on Page.

12 Q **Did you see chemical munitions get
13 deployed anywhere but on Page?**

14 A No. If they did, I don't -- I don't
15 have any knowledge of it because I -- I mean, I was
16 there at that intersection, you know -- it
17 obviously went and was at some, you know, at most
18 -- it was out of my sight for most of it.

19 Q **Did you hear a warning that chemical
20 munitions were about to be deployed?**

21 A I believe so, yeah. I mean, that was
22 standard procedure for us even in the beginning
23 when there really was no precedent as to what you
24 were supposed to do. Even in Ferguson we told
25 them, hey, we're going to deploy chemical munitions

1 if you don't leave.

2 Q **Did you hear a dispersal order?**

3 A Yes. That's almost -- that -- the
4 dispersal order is given so much from the BEAR,
5 it's almost a continual thing, you know. You
6 generally only issue a very short pause between
7 each dispersal order.

8 Q **So you heard the BEAR give a
9 dispersal order on Page?**

10 A Yeah, like we had an actual guy who
11 that was his responsibility was to continually give
12 that dispersal order.

13 Q **Who was that guy?**

14 A Jason Chambers. For that particular
15 protest, that's who it was.

16 Q **He drives the BEAR?**

17 A He drives the BEAR, yeah. That's why
18 it was -- it essentially falls -- giving the
19 dispersal order essentially falls on whoever's
20 driving the BEAR. So that's why it was him because
21 that was his duty, was the BEAR driver back then.

22 Q **What does the dispersal order sound
23 like?**

24 A You know, it basically says it -- you
25 know, I'm just summarizing because it's been a

1 while since I heard it, but it's you're unlawfully
2 assembling, you know, based upon whatever ordinance
3 it may be because there's been a lot of times where
4 they've said what actual ordinance or law they're
5 breaking and you must disperse or you're going to
6 face arrest and you could also face chemical
7 munitions, you know. Some combination of all that.

8 **Q You've heard the dispersal order a**
9 **lot; right?**

10 A Yes, ma'am.

11 **Q I know it's been a while at this**
12 **point?**

13 A Yes.

14 **Q What does disperse mean to you?**

15 A To me, I mean, leave the area. No
16 longer congregate. And all the individuals,
17 whether they leave together or individually, they
18 just leave the area and quit doing whatever it is
19 that they were -- they were congregating doing in
20 the first place, whether it's blocking traffic or
21 being violent against the police or -- that's what
22 it means to me.

23 **Q One straggly question about the**
24 **Stockley protest. Do you have a sense of whether**
25 **the protests were legal or illegal?**

1 MR. LAIRD: Objection, calls for a
2 legal conclusion. You can answer.

3 A I mean, I --

4 Q **If you don't know that's fine.**

5 A I really don't know, you know. You
6 know, maybe I should have put more thought into
7 things like that but I really don't. I mean, I'm
8 just a cop and I was kind of just doing what I was
9 tasked to do, you know.

10 I mean, sure, as far as like the
11 municipal ordinances they're breaking of impeding
12 the flow of traffic and things like that, yeah,
13 they're very clearly breaking those laws, but I
14 didn't really give any deeper thought into any of
15 it.

16 Q **During your tenure with the police
17 department did you get training on the First
18 Amendment?**

19 A I'm sure I did, yeah.

20 Q **After you left the academy did you
21 get any training on the first amendment?**

22 A I probably did. Not that I
23 specifically remember, but, I mean, we do
24 continuing education training every year, so it
25 varies, the topics that it's over.

1 **Q Do you know if you were told one way**
2 **or another if people have a first amendment right**
3 **to protest?**

4 A I mean, they do. People absolutely
5 have a right to protest. I know that from not even
6 having to be told.

7 **Q Do you know if people ever have a**
8 **right to protest on a street?**

9 A Specifically, I don't know, but I
10 mean, we would, we would block those streets off
11 for them and allow them to be there doing that, you
12 know. And in my experience it seemed like to me
13 what usually led to those arrests was not just the
14 simple, hey, you're in the street, that's it; it
15 was the, you've been here for so long doing this,
16 and then the crowd ended up getting violent or
17 either conducting property damage which then led
18 to, okay, now everybody's got to leave. And then
19 they wouldn't leave so that's why they would be
20 arrested.

21 But it's, you know -- very few times
22 were these crowds ever just like, hey, we're just
23 randomly in the street. Those streets were blocked
24 off for them and they were allowed to be there. No
25 one was trying make them go anywhere right away.

1 It wasn't until like damage would start occurring
2 and things like that.

3 **Q Do you know who makes the decision of**
4 **what streets to block off?**

5 A I don't.

6 **Q You didn't make that decision?**

7 A Oh, no. That's many levels above me.

8 **Q Based on your experience as a SWAT**
9 **officer, in particular your experience observing**
10 **crowds, if one person is causing property damage,**
11 **does that affect the protest right of another**
12 **person?**

13 MR. LAIRD: Objection to form. You
14 can answer.

15 A Okay. I mean, I'll try to answer
16 that as best I can. I mean, once the property
17 damage starts occurring, whether it's by one
18 individual or numerous, that's when I've always
19 seen it be to where, yeah, then they want everybody
20 to leave. And I can only assume that's because
21 they don't know what's going to happen from there.

22 So it's like a blanket everyone has
23 to go. And of course, there's absolutely people in
24 these crowds who are causing no problems and
25 they're just exercising their rights to protest

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1 peacefully, you know what I mean? That's --
2 there's definitely a lot of those people out there
3 that are not doing anything wrong. So there's the
4 few bad apples that turn it into a bad situation
5 for everybody.

6 **Q I think you earlier said that a**
7 **dispersal order is telling people to leave the**
8 **area; is that right?**

9 A Correct.

10 **Q How far does the person have to go to**
11 **comply with the dispersal order?**

12 A That, I really have no idea. If
13 there is an actual set parameter, I am unaware of
14 it.

15 **Q If you think back to the time when**
16 **you were in the line of officers that was pushing**
17 **people first north and then south on Euclid in the**
18 **West End, you were trying to disperse those people;**
19 **yeah?**

20 A I mean, they were pretty far ahead of
21 us so we were essentially just following their
22 path, making sure they didn't come back down and
23 like break anything. Like the -- whatever damage
24 may have been caused there -- and I may be
25 confusing damage from the Delmar or Wash Ave with

1 Euclid. I just remember seeing damage during these
2 protests and there are so many of them it's hard to
3 pinpoint exactly what is what.

4 It is my belief that our intent there
5 -- because we weren't going to try and lock these
6 people. My intent was that we were pushing out
7 there to keep them from coming back. Because they
8 were already gone. Like we were never like --
9 there's a lot of incidents in protests where these
10 guys are face to face. We were never face to face
11 with those people on Euclid. They were very far
12 ahead of us.

13 **Q And how long does a person need to**
14 **leave the area in order to comply with the**
15 **dispersal order? When can they come back?**

16 **A I honestly don't know.**

17 **Q Did you work at a protest in May of**
18 **2015 near Jennifer Joyce's house in Holly Hills?**

19 **A No. I was not a part of that. I do**
20 **remember it, but I wasn't a part of it. I don't**
21 **even know if we were working that day, I just heard**
22 **about it.**

23 **Q By "we," do you mean SWAT?**

24 **A Yeah, I don't even know if SWAT was**
25 **working.**

1 **Q Did you work at a protest in December**
2 **of 2014 near old police headquarters?**

3 **A I don't recall. I very well could**
4 **have. I don't remember. I've been to protests at**
5 **old police headquarters, yes, but I don't know if**
6 **it was then.**

7 **Q Sure. Thinking back to what you**
8 **remember about working protests at old police**
9 **headquarters, did you ever see any officers deploy**
10 **chemical munitions at those -- at that protest or**
11 **those protests?**

12 **A Not that I recall right now. I mean,**
13 **I -- like I said, a lot of this stuff I would have**
14 **to reread these police reports to, you know, to be**
15 **refreshed.**

16 **Q And you didn't write any --**

17 **A No, I didn't. I mean, I know that**
18 **all these are documented but I didn't write any of**
19 **them that were -- like I said, the only thing I**
20 **ever remember writing was when the BEAR was shot in**
21 **the original Ferguson protest.**

22 **Q Do you remember if you were ever**
23 **asked by a report writer for information to be used**
24 **in the report? It's a complicated question.**

25 **A I mean, I know after the original**

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1 Ferguson, you know -- I mean, I know Lieutenant
2 Dodge asked us to, you know, inform him as best we
3 could specifics that we remembered about when we
4 deployed -- for me, personally, deployed impact
5 rounds because that was my duty. And then he asked
6 the gas guys, can you tell me specifics of when you
7 remember you deployed gas. And that was such a
8 rampant -- maybe not rampant's the word, but it was
9 just going on so much that there was no way to
10 track what was going on during those original days
11 of the protests.

12 And I think that's what led to the
13 way it is now and was during Stockley to where
14 nothing can be deployed without a commander's
15 say-so, and then that's all on the recorded net
16 which helps document what was deployed and where.
17 But as far as actually submitting something
18 official in writing, no, I never did that for
19 anything. It was mostly like, hey, what do you
20 remember, and you tell them and that was it.

21 Q **I understand that you don't recall**
22 **deploying any less lethal or impact rounds after**
23 **original Ferguson; is that right?**

24 A Correct.

25 Q **Was there anything put in place after**

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1 **Ferguson that would have allowed you to keep track**
2 **of what you had deployed?**

3 A Just the same thing of it, like it
4 would have to be at a commander's discretion.

5 **Q Did you -- I think you did say**
6 **earlier that you worked the protests at South**
7 **Grand?**

8 A Yes, ma'am.

9 **Q From what I understand, there were**
10 **protests both in October and in November of 2014 in**
11 **that area. Do you recall that?**

12 A Mm-hmm. I do.

13 **Q Do you remember how many protests you**
14 **worked in that area?**

15 A Not specifically, no. I mean, I know
16 there was the night that the officer -- the
17 district officers got surrounded there, which we
18 were -- we didn't get to go to part of that. They
19 held us in reserve a block away.

20 I specifically remember that because
21 we were very frustrated that we didn't get to go
22 because those officers were being completely
23 overwhelmed, and the chain of command was so
24 worried about the appearance of SWAT being there
25 that we had to just sit and listen to it on the

1 radio.

2 And then I don't know if it was the
3 same night or the following night, but the team did
4 deploy chemical munitions on South Grand and I was
5 present for that. But like I said, I don't
6 remember if that was the same -- I don't know if
7 that's all the same night or separate nights. But
8 they were all in the same location, like right
9 there at Arsenal and South Grand and all that.

10 Q **You may have anticipated my next**
11 **question. Do you remember where the district**
12 **officers got surrounded, was that at that**
13 **intersection?**

14 A I think that was at Arsenal and South
15 Grand.

16 Q **So where was SWAT at that time?**

17 A We were sitting on a parking lot of a
18 church north on Grand about two or three blocks, so
19 we were right there. We absolutely could have
20 helped those officers but we were told to stand
21 down and stay in place.

22 Q **And I think you said you don't recall**
23 **if it was that night or the following night but at**
24 **some point SWAT was allowed to deploy and use**
25 **chemical munitions?**

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1 A That's correct. At one point Chief
2 Dotson at that time -- like, I remember being -- he
3 was like -- okay. Like go gas it. Because he was
4 very apprehensive about doing it. But I
5 specifically remember him, at least on that night
6 on South Grand, he was the one that gave that
7 command to gas.

8 Q **Did he tell you why?**

9 A I mean, not me. This was a
10 conversation between him and Lieutenant Dodge that
11 I was present for, but he wasn't actually speaking
12 to me. They were already breaking windows and
13 everything on South Grand, so I mean, I would
14 assume it was to stop the property damage.

15 Q **And where were the munitions**
16 **deployed?**

17 A Out of the BEAR.

18 Q **At the Grand and Arsenal**
19 **intersection?**

20 A Well, going -- it was going up and
21 down, so basically, that was the start point was
22 Grand and Arsenal. And then we would travel down
23 -- we would travel down Grand. I don't remember
24 what -- I don't remember exactly what the
25 turnaround street was but we traveled a great

1 distance until you were past like the shops and the
2 we would turn around and go back. And basically,
3 it was a slow process of going back and forth up
4 and down Grand, deploying chemical munitions toward
5 any of the crowds that were still around, which it
6 took numerous trips up and down Grand before they
7 were all fully dispersed. But then they were
8 finally.

9 **Q How could you tell that people were**
10 **fully dispersed?**

11 A They just weren't in the area
12 anymore. When it began, both sides of the street
13 were completely lined with people. And that was a
14 time when I do remember witnessing people break
15 windows and things such as that. And those were
16 the people that, you know, were being engaged by
17 the chemical munitions. And then after a few trips
18 up and down South Grand, then there just wasn't
19 anyone on Grand anymore other than the police.

20 **Q Did the BEAR ever deploy munitions on**
21 **Arsenal?**

22 A I don't think we ever went up and
23 down Arsenal. I mean, I could be wrong. I was
24 inside the BEAR so that -- you can't really -- you
25 can't really see a whole lot outside of the BEAR.

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1 Like there's just little portholes and little
2 windows. So I don't know if we ever went up and
3 down Arsenal or not. It was primarily all Grand.

4 Q **And when you say the munitions were**
5 **deployed out of the BEAR, is that with one of the**
6 **launching systems?**

7 A With launching systems and as well
8 with just dropping -- like there's handheld gas as
9 well. It kind of looks like a little grenade
10 canister, I guess, if you will. So those would be
11 deployed out of the portholes. You basically just
12 pull the pin and drop it out of the porthole and it
13 lands right there on the street. It doesn't
14 actually go towards anybody, but those handheld
15 canisters, they emit a lot more gas than the launch
16 stuff does, so those were commonly used during
17 those trips in the BEAR.

18 Q **Were you deploying chemical**
19 **munitions?**

20 A No, I was the impact guy so I would
21 have had my -- I was standing by ready to engage
22 anybody with an impact round that would have needed
23 to have been engaged.

24 Q **The munitions that were launched**
25 **rather than just dropped, are they done from inside**

1 **the BEAR?**

2 A Correct.

3 **Q Okay. I think you said you can't see**
4 **very well out of the BEAR from the inside?**

5 A You can see but it's not like -- like
6 as far as knowing where you're always at --
7 especially me, like I wasn't one of the dudes on
8 the windows. Like the dudes that are actually
9 engaging with those weapon systems, they're on the
10 portholes which have a window above it. Like I'm
11 at the interior of the BEAR standing, holding onto
12 the rail, waiting to be called to one of the
13 portholes.

14 So for me and the other impact guys
15 that were on the interior of the BEAR, like at
16 center line, it's hard to know where you're at
17 other than looking out the back door which stands
18 open.

19 **Q And if I understand correctly, there**
20 **was sort of a bench step around the inside?**

21 A Correct. The way we would stack that
22 inside that BEAR was, the gas guys were kneeling on
23 that bench, looking out the portholes, and then the
24 impact guys -- there was a center rail. We would
25 stand and hold on to that rail and if there was a

1 need -- like sometimes there would be a sergeant in
2 the BEAR who was directing where stuff needed to
3 go. And if an impact round was needed versus a gas
4 round, they would tap one of us and tell us where
5 to go and what to look for and if we could see it,
6 we'd engage it.

7 **Q Were you -- was the SWAT Team trying**
8 **to launch the munitions toward anything in**
9 **particular, or just out?**

10 A I mean, with the launchers, I would
11 assume they're probably just launching it, they're
12 launching them out towards crowds. The handheld
13 stuff, like the porthole is so small you can't even
14 fit your hand out to throw it. You literally, like
15 -- you pull the pin and push it out the porthole
16 so it falls right down. But the handhelds emit a
17 whole lot of gas, so even if it's a distance from
18 the crowd, that gas is going to go towards them
19 because it emits so much. I hope that answers your
20 question.

21 **Q I think so. I'm trying to figure out**
22 **if the goal was just to deploy munitions widely so**
23 **there was a lot of gas and smoke?**

24 A Correct. That's my belief that that
25 was the intent.

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1 **Q** And if you had needed to engage a
2 **specific person, you, as an impact guy, might have**
3 **been doing that; is that right?**

4 **A** That was my role.

5 **Q** **Okay.**

6 **A** So if they -- like the people who
7 could see better, like if they would see people --
8 because there would literally be like guys -- in
9 Ferguson we'd be going up and down West Florissant;
10 there would be guys just hunkered down, literally
11 lighting Molotov cocktails and stuff like that.
12 And they'd say, hey there. And so these would be
13 the people that I would engage.

14 **Q** **Did you work at a protest near the**
15 **QuikTrip at the intersection of Vandeventer and**
16 **Chouteau?**

17 **A** Mm-hmm.

18 **Q** **What did you do there?**

19 **A** There -- as far as I remember, you
20 know, we were -- I mean, we basically got sent up
21 there to arrest the people that were there. Which
22 I know -- I mean, I am a pretty sure there was a
23 mass arrest made there at least, you know, more
24 than a few people. And when we were there, you
25 know, we were flex-cuffing people and that was a

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1 time when I was escorting people into like the
2 cruiser vans and stuff like that.

3 Q **Did you see any officers use any**
4 **chemical agents at that protest?**

5 A I remember people being maced there
6 but I don't -- I mean, it's been so long now, I
7 don't remember who did any of it, but I do remember
8 it in that occurrence. Because that was a time
9 where we were the ones having to go hands-on with
10 those people. So I do remember people getting
11 maced. I'd just have to read a report to know who
12 it was.

13 Q **Do you remember any handheld or**
14 **launched munitions used at that protest?**

15 A I don't think we did there, no,
16 because we were -- in that occurrence we were sent
17 up there to actually lock those people up, which is
18 not what SWAT normally does, and I don't know why
19 they directed us to do that versus anyone else that
20 night.

21 Q **The people who were maced, were they**
22 **maced by SWAT or someone else?**

23 A I mean, I think by SWAT, but I could
24 be wrong.

25 Q **Do you remember why chemical agents**

1 **were used?**

2 A I don't, no.

3 Q **Did you work during a protest before**
4 **Ferguson in 2012 near the Compton Hills Reservoir**
5 **at Grand and 44? Would have been protesting**
6 **related to the Occupy movement?**

7 A I mean, if SWAT was there, I would
8 have been there. I don't remember it but I would
9 have been there if SWAT -- if SWAT was there, I was
10 there.

11 Q **Earlier you mentioned the impeding**
12 **the flow municipal ordinance?**

13 A Mm-hmm.

14 Q **Are you familiar with that ordinance?**

15 A For the most part, yes.

16 Q **Do you know whether it applies on**
17 **sidewalks?**

18 A Once you're on the sidewalk, no, it
19 shouldn't apply anymore.

20 Q **If a person -- so based on your**
21 **training as a police officer and your familiarity**
22 **with that ordinance, if a person is standing in the**
23 **street and is told to disperse and they go to the**
24 **sidewalk, have they complied with a dispersal order**
25 **at that point?**

1 A In my opinion, yeah.

2 Q Did you ever receive any training on
3 the impeding traffic ordinance?

4 A Not specifically, no.

5 Q How about the unlawful assembly
6 ordinance? Did you receive any training on it?

7 A Not specifically, no. I mean, those
8 are all things they would mention when you're at
9 CDT training and stuff like that, but I don't
10 recall anything that was tailored specifically
11 towards that.

12 Q You were not a member of CDT but you
13 attended training as a member of SWAT; right?

14 A Correct. Yes, ma'am.

15 Q Do you remember why CDT was created?

16 A Well, what I -- from my understanding
17 of, it there was always a CDT team but they didn't
18 really -- they didn't do anything. Like they were
19 never called out to anything. If there was
20 something that would happen in -- like prior to
21 Ferguson, then the SWAT Team would just go handle
22 it.

23 And then after Ferguson and they saw
24 -- like Ferguson was essentially all handled by
25 SWAT teams, and obviously that was not well

1 received, so then, it's my belief that that was why
2 they ramped up the CDT program. Because prior to
3 that there wasn't anybody that was like
4 specifically assigned to run those teams and
5 conduct that training. And, obviously, that all
6 changed and they made those assigned duties and,
7 you know, I think it was just all, like I said,
8 because they didn't want SWAT teams dealing with
9 that.

10 Q **CDT is a lot bigger than SWAT; right?**

11 A Oh, absolutely.

12 Q **Does CDT use launched munitions?**

13 A They do not, no. That's why we're
14 there. So if they have the need for it, we would
15 be the ones to do that.

16 Q **But CDT does use mace; right?**

17 A They do, yes.

18 Q **Every officer is issued mace; yeah?**

19 A As far as I know, yes.

20 Q **Did you receive any training on when
21 it is appropriate to use mace?**

22 A I mean, in the academy, yes.

23 Q **Based on that training, what is your
24 understanding of when it is appropriate to use
25 mace?**

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1 A I mean, it -- it could be any number
2 of reasons. You know, generally, if it's, you
3 know, you're trying to subdue some type of
4 combative or resistant subject, you know, you would
5 mace them in order to make them more focused on
6 their eyes and their face that's now burning, and
7 then that takes their attention away from trying to
8 aggress the police officer and then it's easier to
9 put them in handcuffs.

10 Q **Did you receive any training on when**
11 **it is appropriate to use mace in a protest context?**

12 A Not that I recall, no. I mean, I
13 think it was all just, you know -- any of the mace
14 training I personally have had was just your
15 general, hey, you're a policeman; here's how to use
16 mace. I don't -- the CDT team, they very well may
17 do specific training like that but I was not a part
18 of it.

19 Q **Did you ever hear officers say "whose**
20 **streets, our streets" during the Stockley protests?**

21 A I heard about it. I didn't hear it
22 in person but I, of course, heard all about it.

23 Q **Who did you hear about it from?**

24 A I mean, it was in the paper and then
25 everybody was talking about it.

1 **Q People at the department were talking**
2 **about it?**

3 **A Correct.**

4 **Q Did command staff talk about it?**

5 **A Not to me, no. I mean, it was, you**
6 **know -- what I heard about it was just the banter**
7 **between just coppers of like going, well, that was**
8 **a stupid move, you know, so -- policemen are very**
9 **critical of other policemen if you don't know that.**
10 That was my extent of hearing about it.

11 **Q Did you have any kind of like roll**
12 **call the morning of the 15th of the first day of**
13 **the verdict?**

14 **A No, just that -- we just gathered --**
15 **SWAT just gathered at headquarters like we did**
16 **every normal day. We don't have a formal roll call**
17 **like CDT team probably did.**

18 **Q Is that gathering attended by the**
19 **SWAT commander?**

20 **A Yes.**

21 **Q Is that when they give you sort of**
22 **instructions for the day?**

23 **A Correct.**

24 **Q And you had a gathering like that all**
25 **three mornings of that weekend; is that right?**

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1 A Yes, ma'am.

2 Q Did you work at the Women's March in
3 January 2017?

4 A Not that I recall.

5 Q Have you ever worked at an event
6 called the Women's March?

7 A We did -- I don't know if it was a
8 Women's March or not. I remember there was some
9 type of march where we had to set up an OP for just
10 to give intel of where they were going. And I
11 don't know if that was specifically a Women's March
12 or what that was a march for, but it was definitely
13 a march; it wasn't a protest.

14 Q Is there a difference between a
15 protest and a march?

16 A The marches are -- basically, they're
17 doing just that. They assemble briefly and then
18 the whole crowd walks down the street and goes a
19 few different ways and then it's basically over.
20 With, you know, there's no -- like, at least from
21 what I saw, there's no lasting gathering like the
22 protests were. And none of those marches were ever
23 violent or anything like that. They weren't
24 breaking anything or -- not that I saw.

25 Q When you say "none of those marches,"

1 **what are you referring to exactly?**

2 A I mean, like I've seen them quite a
3 few times as a policeman, whether I was in a SWAT
4 capacity or in special OPs, when we would have to
5 drive around the perimeters of the marches. I
6 don't specifically remember what the marches were
7 for but I mean, I was at a few of them and those
8 were all peaceful events.

9 **Q Do you know if there was a march in**
10 **the West End after the Stockley verdict was**
11 **released?**

12 A Not that I -- a march? Not that I
13 recall, no. Only time I -- the only thing I
14 remember in the Central West End was that one night
15 we were there on Euclid.

16 **Q Mm-hmm. How about -- thinking back**
17 **to 2015 and the protest that happened after Mansur**
18 **Ball-Bey's death, do you know if there was a march**
19 **then?**

20 A Not that I recall, no.

21 **Q Are you familiar with the preliminary**
22 **injunction that the court issued in this case,**
23 **Ahmad versus City of St. Louis?**

24 A I don't know. I don't know what
25 you --

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1 **Q Are you familiar with the court order**
2 **that was issued in Ahmad?**

3 A Like saying you couldn't -- I don't
4 know if it is about Ahmad, but I remember when the
5 courts said that you couldn't either mace or gas
6 people anymore, I mean -- is that what you're
7 talking about?

8 **Q I'm trying to understand --**

9 A I'm trying to understand too. I
10 don't -- I don't know what -- who it pertained to.
11 I mean, the first time I had ever heard the Ahmad
12 name was when I got subpoenaed for this. But I do
13 remember -- and I don't know if it was when I was
14 still on the department or not when they were, you
15 know, when some federal judge, I thought, said, no,
16 you can't just use gas like that anymore. At least
17 that's what I thought it pertained to.

18 **Q The thing that you're familiar with**
19 **that you're describing, is that something that**
20 **happened recently or some years ago?**

21 A I mean, I thought it was within a
22 year. Not necessarily -- it wasn't like all the
23 way back in '15 or anything like that.

24 **Q How did you learn about it?**

25 A Just word of mouth. I mean, that's

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1 all I remember hearing about it. I never read any
2 actual documentation about it.

3 **Q After the Stockley protests, did you**
4 **receive any communications from command staff about**
5 **how things had gone?**

6 A No, I didn't.

7 **Q Did you ever get any training or**
8 **counseling about protests where -- using chemical**
9 **agents?**

10 A No, I didn't. You're talking about
11 after the Stockley?

12 **Q Yes.**

13 A No.

14 MS. STEFFAN: I think I'm finished;
15 although, I'd like a couple minutes just to check
16 through my notes. If you have anything, please go
17 ahead.

18 MR. LAIRD: I think it would be a
19 good time to take a break. Can I talk to you for a
20 second?

21 THE WITNESS: Sure.

22 (Off the record.)

23 MS. STEFFAN: Do you want me to go
24 first?

25 MR. LAIRD: Sure.

1 Q (BY MS. STEFFAN) I just have a
2 couple more additional questions, sort of, global
3 questions. Thinking back to all of the protests
4 that you've worked at during your tenure with the
5 police department, did you ever see any other
6 officer use unnecessary force at a protest?

7 A No, not that I actually saw, no.

8 Q Did you hear about that?

9 A I mean, I've heard, obviously, all
10 the things that have been in the media and just all
11 the rumor mills that go along with all that stuff
12 being in the media, of course. I've heard that,
13 but not that I specifically saw myself, no.

14 Q Did you ever see any officer
15 retaliate against a protestor?

16 A No.

17 MS. STEFFAN: That's all I have.

18 EXAMINATION

19 QUESTIONS BY MR. LAIRD:

20 Q Okay. I am just going to have a few,
21 kind of, follow-up questions.

22 A Okay.

23 Q You mentioned when you were up on the
24 -- at the OPs, both on City Hall and when you were
25 by the police headquarters, your job was to then,

1 **basically, report behavior that you saw for the**
2 **safety of the officers on the ground?**

3 A Correct.

4 Q **Would this include anything that you**
5 **saw that would be property damage?**

6 A Correct.

7 Q **Let's start on the 15th. You were at**
8 **City Hall all day; right?**

9 A Yes.

10 Q **During the daytime?**

11 A Yes.

12 Q **From that vantage point, did you see**
13 **anybody in the crowd engage in any property**
14 **destruction?**

15 A Yes. When the crowd was at --
16 towards old headquarters, at Clark and Tucker they
17 were destroying a police car there, so we, of
18 course, passed that information up and then, you
19 know -- then CDT arrived.

20 Q **Did you see -- did you see anybody in**
21 **the crowd throwing any objects towards police**
22 **officers that day?**

23 A Yes, once the -- at that
24 intersection, once the CDT team arrived, there were
25 individuals throwing water bottles and glass

1 bottles and rocks at the CDT line.

2 **Q Had the CDT officers engaged with the**
3 **protestors at all before anything was thrown at**
4 **them?**

5 A No, they were just forming up, you
6 know.

7 **Q From your vantage point at City Hall**
8 **that afternoon, did you hear dispersal orders being**
9 **given?**

10 A Yes.

11 **Q How many times?**

12 A Numerous minutes. You know, it gets
13 to a point where the dispersal order is almost a
14 repeating thing; they are just continually --
15 continually broadcasting it.

16 **Q And then I'll ask the same question.**
17 **Moving forward then to Sunday when you were up on**
18 **the OPs by police headquarters, did you witness any**
19 **property destruction that time on that occasion?**

20 A On that occasion, no. I was just --
21 I was made aware of the property destruction
22 because I could hear it being broadcast on the
23 radio, but I didn't actually see any property
24 destruction that day.

25 **Q And did you see anybody, any**

1 protestors throwing any objects at police from
2 police headquarters on Sunday?

3 A Not that I recall, no.

4 Q Then you said later that night after
5 you had been initially released -- this is still
6 Sunday the 17th -- you had been initially released
7 and then told to come back?

8 A Correct.

9 Q Where did you report to?

10 A We went back to -- I went back to
11 where we had originally been, which was by the
12 library. And I don't even remember who directed us
13 down Tucker from there but they said -- somebody
14 said, hey, everybody's down at Washington and
15 Tucker.

16 So I kept driving past the -- the
17 library and got down into the crowd of cars, all
18 police vehicles at -- that were on Tucker and I
19 parked right there at Olive and Tucker and walked
20 down from there because there were so many cars,
21 you couldn't drive down there.

22 Q And at the time, this encircling
23 tactic we've been calling kettling, was it ongoing,
24 were officers pushing into the crowd at this
25 moment, or it was completed when you left?

1 A I didn't see any officers pushing
2 into the crowds. Like I said, there was -- like we
3 could just walk up from the south; there wasn't
4 like a line of people. The line of officers that
5 were to the north, they were just watching that
6 crowd that was up towards that gas station that's
7 up there.

8 Then there was the clump of people
9 seated on the ground over towards -- I think that's
10 -- there's a pizza place on that corner and then
11 there was various other people that were just kind
12 of walking around the middle of the intersection.
13 And, you know, they were more or less just being,
14 dude, just get out of here. Everybody was focusing
15 on those people that were sitting down. There were
16 a lot of people there that were just being told
17 like a simple, dude, just get out of here. Just
18 go.

19 Q **So not police officers, just other**
20 **people?**

21 A Just other people in general, you
22 know, because it -- when we got there, the focus
23 was on -- it seemed like all the CDT officers,
24 their focus was on the people that were sitting on
25 the ground with their arms interlocked.

1 **Q With each other? Their arms, the**
2 **people on the ground --**

3 **A Yeah, I mean, that was like -- they**
4 **were, you know -- that's like the -- I guess that's**
5 **one of their tactics, you know, they'll like sit**
6 **down and just interlock their arms and it's not**
7 **like a violent tactic by any means, but it just**
8 **makes it more difficult for them to be separated**
9 **and placed in flex cuffs and stuff like that.**

10 **Q Were they still issuing dispersal**
11 **orders when you arrived?**

12 **A I mean, I thought so. I guess they**
13 **could have stopped. I could be remembering it**
14 **wrong but it seemed like -- like I said before, it**
15 **seemed like the dispersal order is -- once they**
16 **start giving it, it seems like they never stop; it**
17 **just goes and goes and goes.**

18 **Q We talked about what it means to**
19 **disperse a little bit. If you're in a -- if you're**
20 **-- if you're giving a dispersal order to a group of**
21 **protestors on the street and a couple of them move**
22 **over to the sidewalk from the street, would you**
23 **consider that having dispersed?**

24 **A If they're being told to disperse the**
25 **area, which is what they're being told to do during**

1 the dispersal orders, no, I wouldn't consider that
2 complying. Now, if they're being told they're
3 impeding the flow of traffic and those things, then
4 that would be complying with that, but not with the
5 general dispersal order that's given, commonly.

6 **Q Then just very briefly, we talked**
7 **about the protests that were happening at Page and**
8 **Walton prior to the Stockley protests?**

9 A Yes.

10 **Q You mentioned that things like bricks**
11 **were being thrown at officers?**

12 A Yes.

13 **Q Was anything else being thrown that**
14 **night?**

15 A They were making Molotov cocktails.
16 They didn't actually throw any of them but they
17 were making them. They were -- one of the -- they
18 were further back in the intersection and there was
19 a crowd of people that were filling the bottles,
20 and you could see them lighting them but none were
21 actually thrown at officers. That was squashed
22 before it escalated to that level. And they were
23 throwing bottles and -- it was primarily rocks and
24 bottles.

25 **Q Okay. When you're up -- as an**

1 **example, when you're in City Hall and you're**
2 **looking down on Friday the 15th, in your -- and**
3 **you're giving your reports of what it is you're**
4 **seeing, are you giving -- is it -- so for example,**
5 **if you're seeing things being thrown at officers,**
6 **you're reporting that?**

7 A Correct. I'm reporting that and I'm
8 saying -- giving a description of who did it.

9 **Q Okay. Was it happening at a clip**
10 **that you could describe each person who was**
11 **throwing objects?**

12 A I mean, for the most part, yes. And
13 then you got to think there's multiple sniper OPs
14 where -- there's other snipers giving descriptions
15 too. So we would almost section off the crowds,
16 you know, to where I was going to watch the western
17 edge. Let's say, I was going to watch the western
18 edge of the crowd, so I would just be reporting
19 everything I saw on the western edge of the crowd;
20 and another guy would be responsible for the center
21 of the crowd; and another guy would have the
22 eastern edge.

23 But yeah, I tried to be as detailed
24 as possible. That did little to stop it from
25 happening again. If you didn't pass up a detailed

1 description of who it was throwing it, then the
2 information was kind of worthless. That doesn't
3 mean they were able to apprehend all those people,
4 because they certainly weren't, but they would make
5 that effort to apprehend those people.

6 Q Okay.

7 MR. LAIRD: I don't have anything
8 further.

9 MS. STEFFAN: I just have a couple
10 follow-ups from the questions.

11 A Sure.

RE-EXAMINATION

13 QUESTIONS BY MS. STEFFAN:

14 Q You described seeing some people
15 destroying a police car near Park and Tucker?

16 A Yes, ma'am.

17 Q That's when you were in your OP?

18 A Yes.

19 Q How many people were destroying the
20 police car?

21 A I mean, I only remember one
22 specifically. There was somebody standing on the
23 hood, stomping out the windshield, and then there
24 was a crowd around it, but it's -- I -- like we're
25 looking into these crowds with all our observation

1 devices, but when they're mixed in with this huge
2 crowd like this, it's hard to see what one
3 individual person is doing. Now, like -- because
4 there's tons of times stuff's thrown into a crowd
5 and I can't determine who did it.

6 Now, some people will have themselves
7 out from the crowd while they're throwing stuff, so
8 they can get like a running throw. Those are
9 people that are easy to -- so to answer your
10 question, the only person I remember seeing
11 actually destroy it was the person who was standing
12 on the hood. I don't know if they apprehended that
13 person or not. And I don't know if there was
14 anyone else ground level around it destroying it
15 because the crowd around the police car was just
16 too heavy to be able to tell.

17 Q **Could you estimate the size of the**
18 **crowd around the police car?**

19 A 30 to 50 people, probably. It was a
20 good size crowd.

21 Q **Is that the kind of -- like, do you**
22 **have training on estimating crowd sizes?**

23 A I mean, no, not specifically, no.

24 Q **When you are in an OP, are you**
25 **recording video?**

1 A No.

2 Q You have other observation equipment;
3 right?

4 A Correct.

5 Q What do you have?

6 A So we have our primary -- our primary
7 tool -- now, we're not actually allowed to be on
8 it, but our sniper rifle with the sniper scope on
9 it, that's our primary tool. That would be set up
10 on a tripod and it's there to be used if we had to
11 go to a lethal type situation.

12 Now, we're not actually allowed to
13 observe the crowd through that because then you're
14 actively pointing a weapon at a crowd that's not
15 necessarily hostile yet. So we have to observe
16 from our spotting scopes, which is another scope
17 that is on a tripod and that's all it is is a site.
18 And then there's also binoculars to be used by the
19 -- like the guys that are not on the spotting
20 scopes, they are using binoculars.

21 Q So your equipment is sort of
22 magnifying equipment?

23 A Yes, ma'am. And the only thing that
24 really limits that equipment is like the density of
25 the crowd, if you will. That's why I say, there's

1 parts where the crowd is so thick that you can see
2 there's something going on, but it's -- even with
3 that magnification power, it's hard to say what is
4 actually happening just because the crowd is so
5 dense.

6 Q Mm-hmm. I think you said that at the
7 protest in 2015 at Walton and Page there were
8 people making Molotov cocktails?

9 A Yes, there were.

10 Q Is that something you saw?

11 A Yes.

12 Q Was that on Page?

13 A They were at the intersection.

14 Q Like Page and Walton?

15 A Yeah. So they -- when that clash was
16 going on, we were, at least when that incident
17 happened, we were not actually in the intersection;
18 we were a ways back, going eastbound down Page, and
19 those guys -- so I don't know how familiar with
20 that intersection you are, but there's like a
21 vacant field right there at the -- that would be
22 the southeast corner of the intersection -- and
23 they were in that field next to like a large dead
24 tree. And that's where they were.

25 Like they were all on their knees;

1 you could see them, they were filling the bottles,
2 they were trying to light the wicks, and they never
3 actually got to the stage of throwing them because
4 they were dispersed, but that's where they were at
5 when they were doing that.

6 **Q You said that on the 15th, so the day**
7 **that the Stockley verdict was issued, you heard**
8 **many dispersal orders to the point where it had**
9 **gotten to be a repeating thing?**

10 A Yeah, I mean, they're just -- they're
11 continually -- once they start giving it, they are
12 continually giving it.

13 **Q And is that at -- was that when you**
14 **were in your OP?**

15 A That was both at the OP and then, you
16 know, on the ground over -- when we were over on
17 Euclid.

18 **Q Okay.**

19 A As well as, you know -- well, I guess
20 -- yeah. So then that goes -- so -- yeah. So the
21 15th, yes. So from the OP, you know, point in
22 times I definitely remember hearing that was when
23 they were like over here by police headquarters and
24 then, again, like I said, on Euclid and in that
25 cul-de-sac.

1 **Q When you heard those repeating**
2 **dispersal orders from the OP, could you tell what**
3 **the basis for the orders was?**

4 A I mean -- I mean, really, by the
5 time, at least in both of those encounters, like
6 the crowd had become violent at both of those times
7 because, you know -- obviously, I already talked
8 about the stuff that was going on here in front of
9 police headquarters and then -- so when they were
10 in that cul-de-sac prior to us being told to push
11 them down towards Euclid, they had thrown some
12 stuff at the CDT officers.

13 And I know one female got injured and
14 some other guy got injured. And that was what
15 basically started the whole, you need to disperse.
16 So I would assume it was just because of those --
17 because it had turned into a violent situation
18 versus just the protesting.

19 **Q Okay. At -- so concentrating on the**
20 **conduct of the crowd that you could see from your**
21 **OP, I think you just said that the crowd had turned**
22 **violent; is that right?**

23 A When they were over here?

24 **Q Yes.**

25 A Yes. When they were over here by old

1 police headquarters, it had turned violent. They
2 were not violent when they were in front of the
3 courts building. The crowd that was over here
4 destroying the police car and then CD -- so like we
5 saw that and there was no CDT on the ground.

6 We reported that up and then CDT came
7 to that location and was getting off the buses and
8 that's when people started throwing stuff at them.
9 And as they're forming a line, you know, and
10 getting into their formations, they're having all
11 this stuff thrown at them. So there was dispersal
12 orders going on there and that was when I saw it
13 getting violent down here.

14 **Q I'm trying to understand, when you
say the crowd is "getting violent," are you talking
about throwing things?**

15 A Yes, ma'am. That's what I consider
16 getting violent.

17 **Q And the person standing on the police
car?**

18 A Yes.

19 **Q Did you see the BRT, the Bike
20 Response Team, when you were at your OP?**

21 A Yeah, they were here -- they were at
22 the old police headquarters.

1 **Q What did you see them do?**

2 **A I don't really recall. I mean, I**
3 **know they were there. Because they do all kinds of**
4 **goofy things on their bikes that, you know -- and I**
5 **remember seeing them like forming a line with their**
6 **bikes and stuff, but that's about all I**
7 **specifically remember seeing them do.**

8 Because the -- it seemed like the
9 real clash between protestors was with the CDT
10 team. There may have been some type of clash with
11 the bikes, I just don't know about it.

12 **Q I think you said -- so thinking back**
13 **to the kettle or the encircling technique -- we all**
14 **know what that means at this point -- earlier you**
15 **had said that there were -- when you arrived at**
16 **that scene, there were a group of civilians sitting**
17 **on the ground, right, and then there were some**
18 **civilians engaging with the north line?**

19 **A Yes.**

20 **Q And I think, now, you've said also**
21 **there were some civilians walking about?**

22 **A Yeah, there were just -- there were**
23 **just a handful of people that -- they weren't doing**
24 **anything. They were just kind of there. And they**
25 **were being told, like, just get out of here, you**

1 know. They weren't -- like they weren't aggressing
2 anyone, they weren't standing, like -- like that --
3 the people that were on the ground, like that's
4 their passive/aggressive way of we're not going to
5 leave. Like they sit down and interlock arms.
6 Those people like -- they go into that, like
7 prepared to go to jail. They know they're going to
8 go to jail for that.

9 These other people walking around, it
10 wasn't very many, just a handful. I can't speak
11 for what they were doing, but, I mean, they could
12 have just been onlookers or maybe they were
13 protestors and didn't want to get in trouble. They
14 weren't doing anything to anybody; they were just
15 there, still in the intersection. They were told
16 to just get out of there.

17 **Q Had they come up from the south like
18 you had?**

19 A No, I doubt it. I didn't see them
20 come up from the south. They were -- they were
21 there when I got there.

22 **Q Okay.**

23 A It was all police to the south so I
24 don't think anybody would have come up from there.

25 **Q Okay. And were they arrested?**

1 A No, not that I saw, no.

2 Q **Did you see them leave?**

3 A Yeah.

4 Q **Where did they go?**

5 A Just the people I remember seeing
6 leave, they went eastbound down Washington. Like I
7 said, it was just a small amount of people.

8 Q **I think you said a handful. Do you
9 mean like five or ten?**

10 A Yeah. Yeah. The concentration --
11 what it seemed to me like the police were focused
12 on was that group of people sitting on the ground,
13 and that was a large group and, you know, they --
14 that was what they seemed to be dealing with.

15 Q **I think you said that when you had
16 gotten released and then told to come back to that
17 intersection, you came with another officer?**

18 A Yes.

19 Q **Who was the other officer?**

20 A Nick Manasco. He was who I was -- I
21 was with him because I was giving him a -- once we
22 got originally released, I was taking him back to
23 his car. So we were just together when we came
24 back because we ended up not getting his car
25 because we got called back. So that was how we

1 ended up walking up to the intersection together.

2 Q And did he essentially do what you
3 did, sort of stand around and wait to be told what
4 to do?

5 A We just stood there, yeah.

6 Q Did you or Officer Manasco tell those
7 handful of civilians to get out of there?

8 A No, we didn't tell them anything.

9 And I don't even know who it was. I just vaguely
10 remember them being directed to just leave, like
11 they weren't, you know -- they weren't -- nobody
12 was trying to arrest them or anything like that.

13 Q You -- as part of your SWAT uniform,
14 you're issued a helmet; is that right?

15 A Yes, ma'am.

16 Q Is that your personal helmet?

17 A Yes.

18 Q Does it have some kind of a
19 identification number on it?

20 A On the helmet?

21 Q Yeah.

22 A No, on our helmets we just wear our
23 blood type and then, like I had my name on it but I
24 don't have -- it doesn't have any identification
25 numbers or anything.

1 Q **Is your name like printed on it?**

2 A It's on a nametag. It Velcros on
3 there, like a fabric nametag.

4 Q **Are you familiar with the CDT
5 equipment?**

6 A For the most part, yeah.

7 Q **And there are CDT helmets as well?**

8 A Yes, they have a different type of
9 helmet, but yes.

10 Q **Did their helmets have identification
11 numbers?**

12 A I don't think so. I think they just
13 wore their identification on their vest. I could
14 be wrong about that, but I don't recall ever seeing
15 anybody's name on their helmets. That was just the
16 SWAT -- the unit's rule; you had to have your name
17 on your helmet, so that was why we did that.

18 Q **Do you know whether CDT officers have
19 their own personal helmets or whether the equipment
20 is shared?**

21 A I mean, it's -- well, each officer
22 should be issued a set of CDT equipment for them.
23 Like they wouldn't share it with another officer;
24 that would just be theirs for the time they're on
25 the CDT team, to my understanding, anyway.

1 MS. STEFFAN: I think that's all I
2 have.

3 MR. LAIRD: Nothing further.

4 THE REPORTER: Signature?

5 MR. LAIRD: So you have the right to
6 review the transcript, look it over, and if you
7 think that there's anything that's been transcribed
8 improperly or anything like that, you can have that
9 corrected.

10 THE WITNESS: I'll waive it.

11 THE REPORTER: What format do you
12 like your transcripts in?

13 MR. LAIRD: E-tran.

14 MS. STEFFAN: E-tran.

15 (Wherein, the taking of the instant
16 deposition ceased at 12:03 p.m.)

17 (By agreement between Counsel and
18 with the consent of the witness, the signature is
19 expressly waived.)

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2 CERTIFICATE OF REPORTER

3

4 I, TARA SCHWAKE, a Registered
5 Professional Reporter and Notary Public within and
6 for the State of Missouri, do hereby certify that
7 the witness whose testimony appears in the
8 foregoing deposition was duly sworn by me; that the
9 testimony of said witness was taken by me to the
10 best of my ability and thereafter reduced to
11 typewriting under my direction; that I am neither
12 counsel for, related to, nor employed by any of the
13 parties to the action in which this deposition was
14 taken, and further that I am not a relative or
15 employee of any attorney or counsel employed by the
16 parties thereto, nor financially or otherwise
17 interested in the outcome of the action.

18

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25



A circular notary seal with a yellow and orange sunburst pattern. The words "NOTARY PUBLIC" are at the top, "MISSOURI" is in the center, and "ELECTRONIC" and "Signature" are at the bottom.

Tara Schake

Notary Public in and for
The State of Missouri

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